

# Faculty Handbook

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## 2.0 Faculty

Saint Mary's College of California

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## 2. FACULTY

The faculty consists of all persons who are appointed by the President of the College to teach one or more courses. Administrators with faculty retreat rights are members of the faculty. When a faculty member has been authorized to act in an administrative capacity (such as President, Provost, Vice Provost, Dean, Department Chair/Program Director), to the extent that the person's job responsibilities are not pedagogical but administrative and supervisory, the relevant portions of the Staff Handbook apply and take precedence.

### 2.1 DEFINITIONS OF FACULTY STATUS

Specification of the conditions for appointment for each of the faculty categories below is contained in section 2.2.

#### 2.1.1 RANKED (TENURE-TRACK) FACULTY

Ranked faculty appear on the Rank and Tenure Roster. They are full-time employees of the College unless otherwise specified in their appointment; their appointments are probationary (tenure track) or tenured to the College and not to a program, department or School; they hold the academic ranks of Instructor, Assistant Professor, Associate Professor and Full Professor. Assignment is made to the department or program in which the faculty member teaches the majority of his/her courses. With the exception of the rank of Instructor and Exceptional Candidate appointment, faculty will hold the terminal degree (see sections 2.1.1.1 and 2.1.1.2).

The salaries of full-time ranked faculty whose duties are primarily instructional are contained in the full-time salary scale (see section 2.15.1).

*Instructor:* Appointment to the rank of Instructor is made when a candidate possesses the qualifications enumerated below for the rank of Assistant Professor with the exception of the terminal degree. The candidate will be enrolled in a terminal degree program in his/her field. Upon completion of the terminal degree, the candidate will automatically be eligible for immediate appointment to the rank of Assistant Professor.

*Assistant Professor:* Appointment to the rank of Assistant Professor requires that the candidate possess the terminal degree, show clear promise of effective service and teaching effectiveness, be judged competent to teach advanced or upper division courses, and give evidence of continued scholarly achievement.

*Associate Professor:* Appointment to the rank of Associate Professor normally requires that the candidate have demonstrated his/her effectiveness as a teacher, that he/she show clear promise of high scholarly achievement, and that he/she have demonstrated effective service. Possession of the qualifications enumerated above for the rank of Assistant Professor is assumed. The rank of Associate Professor may or may not accompany tenure.

*Full Professor:* Appointment to the rank of Full Professor is made in recognition of consistent evidence of high teaching effectiveness, high scholarly achievement, (the latter to be substantiated by a sound reputation among academic colleagues outside the College), and a high degree of effective service. Possession of the qualifications enumerated above for Assistant and Associate is assumed.

#### 2.1.1.1 Terminal Degrees

A doctorate is normally considered to be a terminal degree. Any department wishing to propose another degree as terminal in a specialized field (e.g., the M.F.A. in Creative Writing) should make its case as clearly and fully as possible before the hiring process begins for any position that may be affected. The Undergraduate Educational Policies Committee (or the Graduate and Professional Studies Educational Policies Committee, if more appropriate) shall initially review such proposed non-doctoral terminal degree designation, and shall review all such designations every six years thereafter. Upon such a review they shall recommend approval or disapproval to the Academic Senate. Upon the approval by the Senate, non-doctoral terminal degrees are subject to final approval by the Provost. Any person hired as having the appropriate terminal degree and who has continued in the same position shall be considered to have permanent approval even if at some later date another degree is designated as terminal for that position. Such initial and permanent approval will appear in that faculty member's contract.

#### 2.1.1.2 Exceptional Candidate Appointments (For Such a Rank)

When the proposed faculty member does not have the terminal degree, but shows clear promise of superior performance as a teacher, has scholarly achievement and service commensurate with the proposed rank, the Provost will seek a recommendation from the Rank and Tenure Committee for a finding of exception to requirement of the doctorate or an acceptable alternative degree to appoint at the rank of Assistant, Associate or Full Professor. A finding of exception by the President upon recommendation of the Provost is unalterable. Such findings for exceptional appointment shall be sought only for initial appointments and may not be used for extensions of current appointments.

#### 2.1.2 NON-TENURE-TRACK FACULTY

Non-tenure-track faculty are of three types: Visiting Faculty, Adjunct Faculty and Lecturers. Visiting and Adjunct Faculty receive a pro-rata salary based on the full-time salary scale (see sections 2.15.1 and 2.15.2). Placement on the salary scale will be based on standards appropriate to their degree, experience and qualifications as enumerated in section 2.1.1. Lecturers receive a salary on a per-course, per-unit, or per-workshop basis.

*Visiting Faculty:* A temporary full-time appointment clearly limited to a brief association with the College, normally not to exceed two years; for example, to replace a ranked faculty member who is on leave or to fill a new ranked position for which a search has not yet been successful. A Visiting Faculty appointment is made to an individual qualified for or holding faculty rank and status at another college, as enumerated in section 2.1.1. Visiting Faculty receive a title corresponding to their placement on the salary scale.

*Adjunct Faculty:* An annual, renewable, non-tenure-track appointment which is made to an individual who does not hold a full-time academic appointment elsewhere, excepting individuals on leave from such an appointment. Adjunct appointments are for five courses or more, including administrative duties, are paid on a pro-rata basis, and carry non-teaching duties as enumerated in section 2.11.2, proportional to the extent of instructional duties contained in the appointment. Any adjunct position must be reviewed after two years and a determination made whether to change that position into a tenure-track position. No adjunct appointments may be continued as such for more than three consecutive years without a specific ruling by the Provost, in consultation with the Deans in those Schools that would be impacted by a change in that position, explaining the necessity for continuing the

position in such a way and offering a time-table for conversion to tenure track or reduction to less than 5/7. Although Adjunct Faculty are paid at differing levels corresponding to the full-time salary scale, they hold the title of Adjunct Faculty.

*Lecturer:* All non-tenure-track faculty who are paid on a per-course, per-unit or per-workshop basis hold the academic title of Lecturer. Lecturers have none of the additional duties as described in section 2.11 and are placed on the Lectureship salary per-course scale for the program to which they are appointed. Lecturer appointments are made on per-unit, per-course, or per-workshop basis only. Lecturer appointments remain non-tenure track appointments regardless of the number of courses taught in an academic year or the number of annual contracts entered into between the Lecturer and the College over time. If a Lecturer is appointed by the President to teach more than one course, unit, or workshop in an academic year, that Lecturer is not entitled, as a result of such appointment(s), to receive benefits that are available to adjunct faculty teaching five or more courses (see section 2.14). The appointment of a Lecturer to teach more than one course, unit, or workshop in an academic year is subject to the prior approval of the Provost, in consultation with the Dean(s) of the School(s) in which such Lecturer's services are to be retained.

	Status		Compensation	
	Tenure-Track	Non-Tenure-Track	Full or Pro-Rata	Per Course Per Unit Per Workshop
Lecturer		x		x
Adjunct Faculty		x	x	
Visiting:				
Assistant Professor		x	x	
Associate Professor		x	x	
Professor		x	x	
Ranked:				
Instructor	x		x	
Assistant Professor	x		x	
Associate Professor	x		x	
Professor	x		x	

### 2.1.3

#### EMERITUS/EMERITA

Professor Emeritus/Emerita is an honorary title conferred on a retiring faculty member who has served the College with special distinction.

1. Eligibility. Criteria for eligibility:
  - a. minimum of ten years of full-time service;
  - b. attainment of rank of Associate Professor;
  - c. supporting letters from colleagues.
2. Recommendations. Criteria upon which they should be based:
  - a. teaching effectiveness;
  - b. scholarship or artistic expertise;

- c. effective student advising, where applicable;
- d. cooperation with colleagues in advancing the academic aims of the College.
- 3. Privileges. In addition to privileges granted to all retired faculty members, a Professor Emeritus/Emerita:
  - a. will remain on the Rank and Tenure roster;
  - b. will receive written faculty ballots;
  - c. will be eligible for appointment to faculty committees;
  - d. may participate in formal academic ceremonies;
  - e. may have his/her name listed in the College Catalog with the designation.
- 4. Procedure for promotion to Professor Emeritus/Emerita:
  - a. The candidate will be proposed in writing for Emeritus/Emerita status by the candidate's department or by a senior faculty member to the Dean of the School.
  - b. The Dean of the School will solicit letters of support from colleagues and the candidate's department.
  - c. The collected letters will be submitted to the Dean, who will forward them with his/her recommendation to the Rank and Tenure Committee.
  - d. Recommendation from the Rank and Tenure Committee will be forwarded by the chair to the President for his approval. In the event that the Provost does not agree with the recommendation, the Provost will forward the Committee's recommendation, along with his/her own recommendation to the President. The President makes the determination whether to grant the Professor Emeritus/Emerita Award.
  - e. The Professor Emeritus/Emerita Award is presented to the recipient in an appropriate ceremony acceptable to the recipient.

#### 2.1.4

#### ADMINISTRATORS WITH FACULTY RETREAT RIGHTS

Certain administrative positions make the holder responsible for the character and quality of a major academic unit within the College. Because such positions involve responsibility for curriculum and for academic quality, review of faculty, and expectations of leadership over issues that affect the academic enterprise of the College as a whole, they are inherently academic in nature. These positions are the Provost, the Vice Provost of Undergraduate Academics, and each Dean of a School. These positions are normally filled via national searches resulting in multi-year appointments, and exceptions to this standard made in consultation with the Academic Senate. When an individual is appointed to one of these positions on a regular basis, that is, other than as Acting or Interim Dean, he/she will also be appointed as a ranked faculty member associated with a department either on tenure track or tenured. Although there is no such status as administrative tenure, he/she has faculty retreat rights, that is, the right to assume the position of a full-time faculty member of the College upon leaving the administrative position.

Assignment to a department will be made by the Provost (by the President in the case of the appointment of the Provost) in consultation with the department involved. For appointments at the ranks of Associate Professor and Full Professor, the Rank and Tenure Committee will be consulted prior to the appointment about the rank and the tenurability of the appointee, as specified in Selection/Appointment of Ranked Faculty, section 2.3.1.

An administrator as defined in this section, who is also a ranked faculty member, agrees to the provisions of this *Faculty Handbook* which are applicable to his/her faculty ranks.

A ranked faculty member who assumes an administrative position at the College that does not carry ranked faculty status nonetheless continues to be a ranked faculty member; however, ranked faculty status is not thereby transferred to the administrative position.

The President may decide to allow an existing or new administrative position to carry ranked faculty status. A proposal to incorporate ranked faculty status into a new or existing administrative position must originate in the Academic Senate and be approved by the Provost before being considered by the President. If an administrative position is converted to an administrative position with ranked faculty status, the incumbent at the time of conversion, if not already tenured as a faculty member, may be granted tenure and/or retreat rights at the discretion of the President (under the procedures described above for the granting of tenure and retreat rights to individuals assuming an administrative position with ranked faculty status). Any teaching under this provision must follow the procedures for approval and notification listed in section 2.1.5 below.

#### 2.1.5

#### TEMPORARY APPOINTMENT OF ADMINISTRATOR TO RANK ONLY

An administrator in a non-academic position may be appointed temporarily to an academic rank and departmental affiliation by the President if all of the following conditions are satisfied:

1. All the criteria for that rank must be met by the individual and reviewed by the Provost, the chair of the department and the Dean of the School with which the individual will be affiliated. The Provost will make a recommendation of the appropriate rank to the President. If the rank proposed is Associate Professor or Full Professor, the Provost will also consult the Rank and Tenure Committee prior to advising the President.
2. Any teaching in the department or program designated or in any other area is only by invitation of that department or program and requires the consent of the appropriate Dean, the approval of the administrative person's supervisor, and proper notification to the Provost. Continued teaching is subject to departmental need and a regular review of the individual's teaching effectiveness. Teaching under this provision does not imply or confer academic salary nor any rights toward sabbatical or tenure.
3. Under this provision the position does not carry ranked faculty status and does not confer retreat rights on the individual.

The term of appointment is one academic year and may be extended by the President in writing after the first year for a period not to exceed the period of employment as an administrator.

### 2.2

#### TYPES OF APPOINTMENTS

Terms and conditions of appointment are contained in letters of appointment from the President, and in this *Faculty Handbook*. While a faculty member may have appointments in more than one School, normally a single letter of appointment for a term or year will be written. Letters of appointment for continuing faculty should be issued in a timely manner prior to the expiration of the current letter of appointment.

#### 2.2.1

#### INSTRUCTOR APPOINTMENT

Without an expressed exception, a faculty member appointed to the rank of Instructor must be engaged in the active pursuit of the terminal degree. The total period of full-time service prior to the acquisition of the terminal degree may not exceed three years. Notice shall be

given in accordance with section 2.8.3.1 at least one year prior to the conclusion of the third year of full-time service if the faculty member is not to be continued in service after the expiration of that three year period. For Instructors who progress to the rank of Assistant Professor, each year at the rank of Instructor will count as one step up to a maximum of three steps in the rank of Assistant Professor in the faculty salary scale.

## 2.2.2 PROBATIONARY (TENURE-TRACK) APPOINTMENT

The total period of full-time service as a probationary tenure-track appointee may not exceed seven years. At the time of the initial tenure-track appointment, the anticipated year in which the tenure review will occur will be specified in writing. A faculty member coming to the College without any previous full-time ranked teaching elsewhere will be considered for tenure in the sixth year of appointment. The College will normally consider up to three years of other full-time ranked teaching elsewhere and credit this toward the year of tenure consideration. Thus, a faculty member with three years credit would come up for tenure consideration in the third year of the probationary appointment. In exceptional circumstances (see 2.3.1.14), a faculty member may be appointed with tenure, or with four, five, or six years toward tenure.

In determining the rank and step initially assigned to a faculty member, the appointee's past activities (e.g., teaching, professional experience, scholarly activities, etc.) are evaluated for equivalence to full-time service.

Scholarly leave of absence for one year or less will count as part of the probationary period as if it were prior service at another institution, unless the individual and the President or his delegate agree in writing to an exception to this provision at the time leave is granted.

Notice shall be given in accordance with section 2.8.3.1 at least one year prior to the expiration of the probationary period if the faculty member is not to be granted tenure (see Standards of Notice, section 2.8.3.2). Failure to give such notice does not constitute the granting of tenure.

## 2.2.3 TENURED APPOINTMENT

Tenured appointments are permanent appointments which may be terminated only under conditions noted in section 2.8.5, with the burden of proof resting upon the College.

## 2.2.4 REDUCED SERVICES (TENURED APPOINTMENT)

Reduced Services (Tenured Appointment) Tenured faculty who were employed by the College as of June 30, 2007, and who did not choose to participate in the Phased Retirement Program (see 2.2.4.1) may permanently alter their full-time tenured appointment to a reduced services appointment (4/7 course load or less) through written agreement with the College. In order to be eligible for a Reduced Services appointment, the faculty member must be tenured, have completed 10 years of full-time service, and have attained age 60.

Tenured faculty members who have entered the Reduced Services Plan

- will be paid at a rate proportional to their teaching load,
- shall perform proportionate related College duties, such as a reasonable number of advisees, independent studies and reasonable elected or non-elected committee service, as agreed upon each year with the Provost,
- retain all rights due tenured faculty members, except sabbatical leave, and

- retain full benefits, except life and long-term disability insurance which are paid at a rate proportional to the reduced teaching load.

See sections 2.13.2.2 “Personal Leave” and 2.13.2.3 “Scholarly Leave” as well as 2.14.3 “Medical Plans” for further information about reduced services other than those mentioned above.

#### 2.2.4.1 Phased Retirement (Tenured Appointment)

Tenured full-time faculty who participate in the Phased Retirement Program may permanently alter their full-time tenured appointment to a Phased Retirement appointment (4/7 course load or less) through a written agreement with the College. In order to be eligible for a Phased Retirement appointment, the faculty member must be tenured, have completed 10 years of full-time service, and have attained age 60.

No faculty member may spend more than five (5) years in the Phased Retirement Plan, excluding time spent on approved unpaid leave.

Tenured faculty members who have entered the Phased Retirement Plan

- will be paid at a rate proportional to their teaching load,
- shall perform proportionate related College duties, such as a reasonable number of advisees, independent studies and reasonable elected or non-elected committee service, as agreed upon each year with the Provost,
- retain all rights due tenured faculty members, except sabbatical leave, and
- retain full benefits (including full-time retirement plan payments by the College based on the amount which the faculty member would be paid as salary if the faculty member were teaching full time), except life and long-term disability insurance which are paid at a rate proportional to the reduced teaching load.

#### 2.2.4.1.1 Phased Retirement (Transition from Reduced Services appointment)

Faculty members who had a permanent Reduced Services appointment on June 30, 2007, and elected to participate in the Phased Retirement Program automatically transfer to a Phased Retirement appointment beginning in the 2007-2008 academic year. Such faculty members may spend no more than five (5) years in the Phased Retirement Program, excluding time spent on approved unpaid leave.

#### 2.2.4.2 Retired Faculty Lecturer Status

Tenured faculty completing the Phased Retirement Program will be considered retired. Following retirement, a faculty member may be eligible for consideration as a lecturer at the discretion of the Department Chair or Program Director. Eligibility for possible appointment as a lecturer does not expire.

#### 2.2.4.4 Retired faculty may return to teach in the capacity of lecturers at the pleasure of the Department Chair, after their five years of the Phased Retirement, but will be considered retired in terms of the definition of the College.

### 2.2.5 NON-TENURE-TRACK APPOINTMENT

#### 2.2.5.1 Visiting Faculty

An appointment as Visiting Faculty is a full-time non-tenure-track appointment, not to exceed two years.



#### 2.2.5.2 Adjunct Faculty

Adjunct Faculty are appointed on an annual, non-tenure-track basis, provide services in accordance with the letters of appointment that govern their appointments, and may be appointed for two additional consecutive annual appointments, following their initial annual appointment. In the event that sufficient enrollment is not attained to warrant offering the courses designated, or an adjustment in the workload and compensation, in the judgment of the Dean of the School, in consultation with the Provost, must be made, the College reserves the right, in its sole discretion, to terminate or modify appointment, including assignments of other courses in subjects for which the Adjunct Faculty member is qualified, without further obligation to that Adjunct Faculty member.

After the third annual appointment, no new appointment can be made without the specific ruling and timetable called for from the Provost in section 2.1.2 under Adjunct Faculty. Until that ruling following the third annual appointment, no Adjunct Faculty who has been appointed to three annual appointments shall be eligible for appointment. The procedures and criteria concerning adjunct positions apply to all Adjunct Faculty hired beginning January 1, 1997. Adjunct Faculty hired prior to January 1, 1994, are covered by Protocols in section 2.2.7; for faculty hired between January 1, 1994, and December 31, 1996, see section 2.4, Evaluation of Adjunct Faculty.

#### 2.2.5.3 Lectureship

An appointment as Lecturer may be made on a per-course, per-unit, or per-workshop basis on the salary scale of the appropriate School and may be offered indefinitely. Lecturers provide services in accordance with their letter of appointment, and appointment of Lecturers shall be governed by and limited to the terms of their letter of appointment. Lecturers will be appointed to teach a maximum of four courses a year. Deans who wish an exception to this limit for compelling programmatic reasons must consult with and obtain the approval of the Provost.

#### 2.2.6 CONSIDERATION FOR THE CREATION OF ADDITIONAL FACULTY POSITIONS

The Provost approves faculty for adjunct (pro-rata) or tenure-track appointments in all Schools.

##### 2.2.6.1 Adjunct Faculty (for the undergraduate programs in the Schools of Science, Liberal Arts, Economics and Business Administration, and for the School of Education)

Any Adjunct Faculty member teaching the equivalent of five or more courses should be given full-year, pro-rata appointments. Letters of appointment should be written for the whole year when departmental needs can be clearly identified. Departments should assess their needs for non-tenure-track faculty for the year as a whole in order to give, where possible, annual letters of appointment. Such appointments are subject to the reviews called for in section 2.1.2.

##### 2.2.6.2 Tenure-track faculty

When multiple part-time appointments totaling seven or more courses are regularly made in a single department or program, a case should be made where appropriate for a full-time tenure-track faculty position by the Dean of the School to the Provost. It is the

responsibility of the department to make a clear and cogent case for and to provide supporting materials and justification concerning the hiring of someone for such a full-time tenure-track position, especially when the appropriate "terminal" degree may not be the Ph.D.

## 2.2.7 PROTOCOLS

### 2.2.7.1 Direct Appointment to a Tenure-Track Position Without a National Search, for Adjunct Faculty Hired Prior to January 1, 1994

1. The Provost identifies the need for a tenure-track position, and the President approves the need for a tenure-track position.
2. A faculty member with at least a 5/7ths appointment for two of the most recent three academic years submits a written request for a direct appointment to the appropriate department chair or program director.
3. The department chair or program director reviews with the faculty member his/her qualifications for tenure-track consideration, based on the Faculty Handbook guidelines. The chair makes a written recommendation supporting or opposing the appointment.
4. The chair or program director forwards his/her recommendation and documentation to the appropriate Dean(s) who evaluates the candidacy and makes a recommendation supporting or opposing the candidacy. The Dean(s) pass on the recommendation and all documentation to the Provost.
5. Based on the record which is forwarded from the Dean(s), the Provost determines if the candidate is competitive with a potential first-choice candidate from a potential national search process. The Provost then forwards his/her written recommendation to the Rank and Tenure Committee with all the documentation.
6. The Rank and Tenure Committee reviews the documentation including the Provost's recommendation. In the case of appointment at the rank of Assistant Professor, the Rank and Tenure Committee offers an informal oral assessment to the Provost. In the case of other ranks, the Rank and Tenure Committee provides written recommendation to the Provost.
7. The Provost reviews the evaluations of all the other steps and makes a final recommendation to the President, and the President approves or denies the request for direct appointment.

Nothing in the Protocol 2.2.7.1 process precludes the Saint Mary's College faculty member from participating in a subsequent national search process, should direct appointment to the position not be approved. The decision against direct appointment is not a matter for grievance.

### 2.2.7.2 Candidacy of a Current, Non-Tenure-Track Saint Mary's College Adjunct Faculty Member Hired Prior to January 1, 1994, in a Search Procedure for Tenure-Track Appointment

1. The Provost identifies the need for a tenure-track position, and the President approves the need for a tenure-track position.

2. The Provost shall notify all eligible faculty (see section 2.2.5.2) of the College's policy on assessment of non-tenure-track faculty and on institutional planning regarding conversion and/or consolidation of non-tenure-track positions into tenure-track positions.
3. As soon as a national search or internal consolidation is approved by the Provost, the Dean of the appropriate School, coordinating with the appropriate department chair(s) or program director(s) arranges a formal evaluation for any Saint Mary's College faculty whose job would be affected by the search and who has not been evaluated within the preceding 12 months. A faculty member may choose to decline the evaluation on the basis that he/she will not be pursuing a candidacy for the new position. Anyone who is evaluated should be provided with specific feedback on their qualifications (teaching, service, scholarship) in relation to the perceived "national pool."
4. When the search begins, the Saint Mary's College faculty member may apply and be considered as any other candidate would be. Until such time as non-tenure-track faculty have access to comparable faculty development support for scholarly activities, an eligible faculty member under section 2.2.7.2 may ask for such support to make it possible for that faculty member to be as competitive as possible in a national search process. The Provost, whenever a conversion or consolidation is planned, will identify which Saint Mary's College faculty are eligible for such special access.

If non-tenure-track Saint Mary's College faculty are to compete in national search procedures, some attention must be given to the "service" component of such an evaluation, since non-tenure-track faculty are not currently allowed to serve on elected faculty committees. In addition, funding support for professional and scholarly development for those non-tenure-track faculty competing for tenure-track positions should be increased to the same level as for those on tenure track, as soon as a designation of eligibility is made and approved by the Provost.

2.2.7.3 Case-by-Case Review of Adjunct Faculty Hired Prior to January 1, 1994, Not Covered by 2.2.7.1 or 2.2.7.2

1. The faculty member may request a review of his/her performance and/or position in any year.
2. In the event that the faculty member has not requested a review, the appropriate Dean(s) will initiate a review of all Adjunct Faculty and their positions during the third of every three years. Every faculty member should have an officially designated "primary department or program appointment" for the purposes of review and evaluation, although the Provost has the discretion under this provision to appoint a different chair and/or Dean to do the actual evaluation.
3. With a positive recommendation from the Dean, the Provost may elect to retain the non-tenure-track position and/or the person at 5/7th or greater for longer than three years without a national search or direct appointment (according to 2.2.7.1 and 2.2.7.2).
4. In the absence of a specific request by a faculty member, and because the Provost is responsible for identifying and justifying all faculty/administrative appointments at 5/7ths or greater that continue for three consecutive academic years but are not tenure-track, the Provost may initiate an individual review, as in 2.2.7.3.(2), or may choose not to do so.

## 2.3 SELECTION AND APPOINTMENT PROCEDURES

### 2.3.1 SELECTION/APPOINTMENT OF RANKED FACULTY

1. Ordinarily, a search originates in and is conducted by an academic department or program. Before beginning the selection process, the department chair shall request the Dean of the School to secure written authorization from the Provost for a particular position, while the President approves the total number of new positions. After written authorization has been secured, the Dean will notify the department chair in writing and attach the documents listed below (2.3.1(3)). The chair bears responsibility for ensuring that the procedures below are followed, with particular emphasis upon selecting colleagues who support the mission of the College, meet the needs of the department or program, and help the College fulfill its commitment to diversity.
2. The department chair, in consultation with the ranked faculty in the department or program and the Dean of the School, appoints a Search Committee, chaired, whenever possible, by a tenured faculty member. In extraordinary circumstances (e.g., when hiring for a new program), an academic Dean may initiate a search. In such cases, the Dean shall appoint a faculty chair of the Search Committee who will carry out the search process; under these circumstances, the Dean maintains responsibility for ensuring that procedures are followed. In any case, the Committee shall include a faculty member from outside the department, preferably one from outside the School. For primarily traditional undergraduate appointments, the Committee should include a faculty member who has taught in and will represent the Collegiate Seminar.
3. The Committee shall consult the following documents provided by the Dean at the time of written approval:
  - a. the College Mission statement;
  - b. the Equal Employment Opportunity Recruitment document (available in Human Resources office);
  - c. the Faculty Search Procedures statement (available in Human Resources office);
4. The Committee shall also consult directly with the Provost regarding approved procedures for the proactive recruitment of faculty.
5. Ranked faculty (that is, those on the Rank and Tenure roster) play an essential role in the recruitment and selection of new members of the faculty at Saint Mary's College. Accordingly, throughout the search and selection process, the Committee shall consult with all ranked department faculty and the Dean.
6. In order to meet the College's commitment to diversity, a good faith<sup>2</sup> effort should be made to include at least one candidate, in the final list of candidates, from traditionally underrepresented groups (including but not limited to racial, gender, and disabled) in the field for which the search is occurring. To enable a faculty Search Committee to conduct the strongest possible search for underrepresented candidates, the Human Resources office

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<sup>2</sup> Examples of what is meant by a good faith effort: advertising in journals and in publications of professional organizations that are of particular interest to underrepresented groups; utilizing the Minority and Women Doctoral Directory; contacting graduate programs where underrepresented groups are completing doctorates through the use of Peterson's Gradline (a database covering all U.S. institutions offering postbaccalaureate degrees); and attending workshops on faculty recruitment sponsored by the College's Diversity Task Force.

will send to the faculty Search Committee chairperson a copy of the Faculty Search Procedures, which includes a section on underrepresented groups.

Before the actual search begins, the Search Committee will return their pro-active plan on the recruitment of underrepresented groups, to the Equal Employment Opportunity Committee chair and the appropriate Dean. The Equal Employment Opportunity Committee and the Dean will review the plan separately and then supply feedback and recommendations to the Search Committee.

7. The Search Committee shall narrow the pool of applicants to a list of candidates to be interviewed. This list, as far as possible, should reflect the College's commitment to its mission, department/program needs, equal employment opportunities, and diversity.

After choosing the final candidates, the Search Committee will submit an account of the actions taken according to their pro-active plan to the Equal Employment Opportunity Committee, Dean, and Provost. If the Dean and/or Provost finds that there has not been a good faith effort, the Dean and/or Provost will ask the Search Committee to make such an effort before the interviews can proceed.

8. Once the final list of candidates has been selected by the Committee, the Committee is responsible for arranging campus visits which shall include interviews with the Committee, the Dean, and the Provost.
9. Assuming that the list does reflect the view of the majority of ranked department members, the department chair or program director will forward it to the Dean of the School. If any ranked member of the department wishes a secret vote, the department chair or program director will conduct such a secret vote. In all cases, the chair or director will forward the ranked list of the candidates along with a written statement which supports the order of preference and vote tally (if such a vote were taken) to the Dean of the School. Any ranked faculty member who has a dissenting opinion regarding the ranked list may append this to the previous written communication within five working days. This communication and any appendices will also be shared with all ranked faculty members of the particular department or program.
10. The Dean shall review the recommendations. If the Dean does not agree with the first choice of the department or program, he/she shall meet with the department or program and attempt to reach an agreement on the candidate of choice. If no agreement is reached, the Dean shall send on to the Provost both the recommendations of the department or program and his/her own.
11. If the Provost does not agree with the first choice of the department or program, he/she shall discuss his/her reasons with the department or program and an attempt shall be made to resolve the difference of opinion.
12. If an agreement cannot be reached between the Provost and the department/program on the candidate of choice, the Provost shall offer the Search Committee, in consultation with the department/program and the Dean, a choice of one of the following options: terminating the search in its entirety, restarting the search, or re-interviewing one or more candidates. If the candidate of choice cannot be agreed upon between the Provost and the department/program and all options agreeable to both have been exhausted, the matter may be taken to the President for review, counsel, and resolution.

13. In cases of a proposed appointment at the Associate Professor or Full Professor level or an appointment with tenure, the Provost shall consult with the Rank and Tenure Committee regarding the appropriateness of the proposed rank before making his/her recommendation.
14. In exceptional circumstances, when the Program/Department, Dean and Provost are in agreement, the President may appoint the candidate with tenure, or with four, five, or six years toward tenure. In cases of a proposed appointment with tenure, the qualifications of the candidate must be reviewed and approved by the Rank and Tenure Committee (see 2.6.1.1.4) before the appointment can be made.
15. Appointments are made by the President, upon the recommendation of the Provost, acting upon the recommendations of the Dean of the School and the department or program.

## 2.3.2 SELECTION/APPOINTMENT OF NON-TENURE-TRACK FACULTY

### 2.3.2.1 Visiting Faculty

The Provost recommends the appointment of Visiting Faculty to the President, upon the recommendation of the Dean.

1. The Provost may, but is not required to, interview final candidates or consult the Rank and Tenure Committee in recommending the appointment of Visiting Faculty.
2. With the exception of 1. and 2. in section 2.3.1, above, the guidelines for selection and appointment of ranked faculty should be followed in the case of Visiting Faculty.

### 2.3.2.2 Adjunct Faculty and Lecturers

1. Adjunct Faculty are recommended for appointment by the Provost and the Dean of the School, upon recommendation of the department chair; department chairs should consult with ranked department faculty in making recommendations to the Dean.
2. Lecturers are recommended for appointment by the Dean of the School, upon the recommendation of the department chair.
3. The department chair is responsible for soliciting applications and for conducting initial interviews.
4. The President or his designee must approve all appointments by signing all faculty letters of appointment.

## 2.3.3 EQUAL EMPLOYMENT OPPORTUNITY

Saint Mary's College, as a Catholic institution dedicated to social justice in its institutional practices, supports equal opportunity employment practices in all its employment policies covering academic and non-academic personnel. On its position announcements, the College states that it seeks faculty who espouse or respect the Catholic tradition. In February 1971, the College first reaffirmed this general employment policy in a draft statement, which has been since revised from time to time and which now reads as follows:

### *Equal Employment Opportunity/Diversity Program*

All members of the College community should be aware of the College's firm commitment to promote equal employment opportunity for all job applicants. The College is committed

to the general policy of non-discrimination on the basis of race, color, religion, national origin, ancestry, marital status, gender, sexual orientation, age (40 years or older), medical condition, or physical or mental disability and is committed to recruiting and retaining a diverse student and employee population. Accordingly, we wish to affirm the following:

1. In recognition of the College's commitment to creating and retaining a diverse employee population, each Dean, director or head of an operating unit is directed to conduct an active search for and to give equal consideration to all applicants regardless of race, color, religion, national origin, ancestry, marital status, gender, sexual orientation, age, medical condition, or physical or mental disability as employment opportunities become available.
2. All proposed personnel changes involving appointments, renewal, promotion or termination will be previewed by the Provost for all faculty personnel, or the Director of Human Resources for all non-faculty personnel. The Director of Human Resources will have the general responsibility for informing Deans, directors and department heads of the College non-discrimination policy and of enforcing that policy.
3. All job vacancies will be listed with the Director of Human Resources, who is responsible for announcing all vacancies in such a way that all applicants, including but not limited to minorities, women and the mentally or physically disabled have an equal opportunity to apply and to be considered for vacant positions.
4. Since its inception, the College has followed the policy that a Christian Brother, if qualified, may be appointed to any position in the College without a position announcement. With that exception, and a limited list of other allowable exceptions available from the Director of Human Resources, the general policy of the College is that all vacant positions shall be announced publicly.
5. There will be an Equal Employment Opportunity Compliance Committee reporting to the Director of Human Resources (for description see 1.7.2.2). This Committee will have as its functions (1) to advise the Director of Human Resources as requested or as needed on equal employment opportunity policies and procedures in progress; and (2) consider any unresolved grievances which may arise alleging harassment (other than sexual harassment) or discrimination on the basis of race, color, religion, national origin, ancestry, marital status, gender, sexual orientation, age, medical condition, or physical or mental disability and to make appropriate recommendations to the President of the College, whose decision in all personnel matters is final, regarding such grievances.
6. The College recruits applicants in accordance with all applicable federal and state laws. Adequate records will be maintained to document placement interviews and the results of those interviews.
7. All personnel actions such as compensation and benefit decisions, transfers, layoffs and awarding tuition assistance, are administered by the College in a non-discriminatory manner.
8. All public college facilities are maintained on a non-discriminatory basis. Minority students maintain a cultural center in which all members of the College community are invited to participate.
9. All those with whom the College subcontracts will be notified of any commitments required under Executive Order 11246 and comparable federal and state laws and of their obligation as subcontractors.

10. The College pledges active support, when feasible and consistent with the mission of the College and applicable federal and state law, to local community and national action programs for equal opportunity in employment.
11. Notice of this Equal Employment Opportunity policy shall be distributed to members of the College community and equal employment opportunity posters are to be displayed in appropriate areas of the campus.

#### 2.3.4 SECTION 504, REHABILITATION ACT OF 1973: COMPLIANCE

Saint Mary's College operates in accordance with Section 504 of the Rehabilitation Act of 1973. Section 504 is a Civil Rights Statute that guarantees rights to qualified disabled individuals. The Admissions and Academic Regulations Committee, as advised by the Academic Support and Achievement Programs office, will review its requirements as needed in order to distinguish from what may be a carry-over of custom, past practice, or instructional habit, and explore and evaluate alternative approaches that are reasonable under the circumstances presented and under the law. The student should meet essential requirements of the program in some acceptable form. Employee inquiries concerning the law and compliance may be addressed to the Director of Human Resources. The Coordinator for Compliance with Section 504 for students is located in the Office of Academic Support and Achievement Programs. A statement of policies and procedures for qualified disabled students is available in the Office of the Dean for Academic Development.

#### 2.3.5 AMERICANS WITH DISABILITIES ACT (ADA)

The Americans with Disabilities Act prohibits discrimination against the disabled in all phases of employment (including recruitment and hiring) and in their access to the facilities, goods and services of most public places, including all colleges, universities and other educational institutions.

A key issue under the ADA is determining the essential functions of the job. Essential functions are defined as "primary job duties that are intrinsic to the employment position." The law requires accommodations or other changes in the work environment, as well as in the way things are done, so that a qualified individual with a properly documented disability as defined by law will be given an equal opportunity to perform the essential functions of the job and to receive the benefits and privileges normally associated with the job, unless such accommodations cause an undue hardship on the College, which has the right and responsibility to determine the type of accommodation that is appropriate under the circumstances presented and under the law. Broader and more detailed than Section 504 of the Rehabilitation Act of 1973, the ADA is enforced by five federal agencies with coordination and monitoring by the Department of Justice.

Employee inquiries concerning the law and compliance may be addressed to the Director of Human Resources. The Coordinator for Compliance with Section 504 for students is located in the Office of Academic Support and Achievement Programs.

#### 2.3.6 SPECIAL APPOINTMENT CATEGORIES

##### 2.3.6.1 Appointment of Christian Brother

Since its inception, the College has followed the policy that a Christian Brother, if qualified, may be appointed to any position in the College without a position announcement. With that exception, and a limited number of other allowable appointments referenced in the



Administrative/Staff Personnel Policies (4/97) V. A(1), available from the Director of Human Resources, the general policy of the College is that all vacant positions shall be announced publicly.

## 2.4

### EVALUATION OF ADJUNCT FACULTY

1. For the purposes of evaluation, each faculty member should have a "primary department or program appointment" officially designated by the Provost. The chair of that department or director of that program conducts the teaching evaluation, although the Dean has the discretion to appoint someone from outside the department or program to "chair" the evaluation process if that would facilitate a more effective process. An evaluation will be based on at least two class visits, arranged in advance with the faculty member, and a review of all teaching evaluations since the most recent formal evaluation.
2. At the beginning of the third year of the position, the Dean will notify the faculty member in writing that the evaluation process has begun.
3. The faculty member may present any self-evaluation or other materials, including letters of support from students, staff, Saint Mary's College faculty, or professional associates outside the College, to the chair of the evaluation process. The chair may request specific materials from the faculty member or written comments from others whose experience with the faculty member would contribute to the evaluation.
4. The chair of the evaluation process will make a written report, sending it to the chair of the department or director of the program if that person is not conducting the evaluation, including in this case all material submitted by the candidate or solicited from others. The chair's written evaluation will not be confidential, but the confidentiality of the materials designated or deemed to be confidential by the chair must be maintained and will not be shared with the faculty member.
5. No later than the end of the semester in which the evaluation was conducted, the department chair or program director will meet with the faculty member to discuss the results. The Adjunct Faculty member will sign the written evaluation, although such signing does not necessarily indicate agreement with the content.
6. The faculty member may submit within two weeks a written response to be included in the file. A copy of the signed evaluation and any written response are then sent to the Dean.
7. The Dean is responsible for assuring that this evaluation and discussion have occurred according to the provisions above.
8. The evaluation file is kept in the Dean's office.
9. After the evaluation meeting (see (5) above), the faculty member may request that the Dean discuss any relevant institutional plan for the position in the future, such as conversion, consolidation, reduction in assigned courses, elimination or continuation (as specified in section 2.1.2). That information will be put in writing and subsequently sent to the faculty member concerned. In addition, the Dean will notify the faculty member in writing should any such plans be developed after that discussion during the remainder of that academic year.

## **2.5 RANK AND TENURE RECORDS**

### **2.5.1 FACULTY RANK AND TENURE FILE**

Faculty members may review their Rank and Tenure files in the Office of the Academic Affairs 24 hours after receipt of a written request by that office. File review guidelines are in the Office of Academic Affairs.

### **2.5.2 FACULTY RANK AND TENURE ROSTER**

By September 1 of each year, the Provost will publish and the chair of the Rank and Tenure Committee will distribute to the faculty and the Student Rank and Tenure Committee a final *Faculty Roster* of tenure-track faculty (those who hold academic rank and who carry a full-time instructional load per scholastic year, those in the above category whose instructional and/or administrative duties have been the equivalent of a full-time instructional load, and those in the above category who (1) are on official full- or part-time academic, sick, family or medical leave, or pregnancy leave; (2) have tenure and are on sabbatical; (3) have tenure and have taken the option of a reduction in the full-time instructional load). The *Faculty Roster* will include the rank and number of years teaching at the College and at other colleges and the tenure status of each member.

## **2.6 PROMOTION AND TENURE**

### **2.6.1 STATEMENT ON CRITERIA FOR PROMOTION AND TENURE**

Faculty members at Saint Mary's College are participants in an intellectual, social, and spiritual community committed to ensuring that the College be an outstanding Catholic institution of higher education, dedicated to developing students' capacities for responsible independent thought, spiritual growth, active citizenship, and a productive life. Faculty members are retained and promoted for their skillful, dedicated teaching, scholarly vitality, and their effective service to the College community. Overarching and informing each of the criteria of teaching, scholarship and service must be the demonstrated commitment of faculty to the aims and ideals of the College, taking into consideration the nature, purposes and goals of specific programs. The Mission Statement of the College and the statement on the faculty of the College (see sections 1.1, 1.2) set forth the aims and ideals by which the faculty is challenged to guide its actions.

The successful pursuit of promotion and tenure thus requires serious engagement in a wide range of activities. Faculty members should make long-range plans for their own professional development to ensure that they meet the appropriate criteria. What follows is not a checklist, but rather a suggestion of general guidelines for evaluation.

#### *Teaching Effectiveness*

Teaching effectiveness is founded upon a clear command of subject matter, the skillful transmittal of knowledge, inspiring and fostering an active love of learning, and the communication of appropriate, high expectations of student performance. Because teaching is a profoundly human exchange between faculty and student, it requires interpersonal skills, organizational abilities, and a commitment to serve students in a respectful and honest manner.

It is the responsibility of faculty members to present clear evidence of their teaching effectiveness. The College recognizes several ways in which this can happen:

1. The development of courses appropriate to a faculty member's major field, the general education program of the College, and special curricular initiatives. Courses should reflect coherence, unity, and an appropriate balance between engaging a subject matter in depth and addressing the broad aims of a liberal education.
2. Conscientious preparation for classes. Course syllabi and assignments should reflect clearly defined academic objectives, expectations and standards. In the preparation of courses, teachers should hold before themselves the best scholarly standards of their disciplines. They should demonstrate current knowledge of the subject matter and its methodology, and creativity in the formulation of the syllabus.
3. Promoting intellectual stimulation and providing challenging learning experiences. Teachers are expected to be skilled in various modes of instruction. The teacher should communicate that understanding derives from an open mind, hard work, and rigorous thinking. Students should experience the rewards of commitment and self discipline in the pursuit of knowledge.
4. Clearly defined and appropriate means of assessing student learning. Through evaluation procedures and grading policies, teachers should communicate that excellence requires not only intellectual curiosity and originality, but also the practice of the rigors and discipline of learning.
5. Critical self-evaluation. Through their response to student evaluations, peer reviews, administrative reviews, and self-checks, faculty members should demonstrate their capacity to improve as teachers.

#### *Scholarly Interests and Pursuits*

Saint Mary's College recognizes that intellectual growth and scholarly activity are closely related both to each other and to teaching effectiveness. Respecting the teaching mission of the College, Saint Mary's recognizes that faculty fulfill their responsibilities primarily through the teaching programs and curricula of the College. Scholarship aims not only at expanding the store of knowledge in the disciplines or in an interdisciplinary field, but also at enlightening the lives of our students with that knowledge as well as with the challenges and joys of its pursuit. Within areas of specialization, scholarly activity manifests itself in formal and concrete ways that help keep alive and current the skills indigenous to one's academic discipline. Scholarly activity and intellectual growth should be broadly defined, yet specifically demonstrated in order to be evaluated fairly and effectively. The demonstration of scholarly activity should include some form of public presentation and external peer review. The broad view recognizes the purposes of scholarship as:

1. Contributing to new knowledge and understanding in a basic discipline or field, including its pedagogy;
2. Developing greater expertise in one's discipline or in a related field of study;
3. Providing new insights into the connections between the disciplines and into the historical and philosophical underpinnings of one's area of expertise;

4. Enriching the intellectual lives of students by involving them as collaborators with faculty in original research;
5. Researching, developing and assessing new pedagogies and curricula (engaging in the scholarship of teaching and learning.)

It is the responsibility of faculty to present clear and public evidence of their scholarly performance and achievement. Since academic departments at Saint Mary's College are relatively small, review by academic colleagues outside the College is of some importance at each rank in maintaining a connection to the field and to academic colleagues with expertise in the specific area of inquiry. The forms which this presentation may take include, but are not limited to:

1. Delivery of research papers or lectures;
2. Awards for scholarly achievement;
3. creative achievement in the arts;
4. Acceptance to competitive structured programs of post-graduate study beyond that required for the terminal degree in one's field;
5. Published research through books, articles, reviews, and reports;
6. Activities related to professional practice where the faculty member's expertise or contribution can be evaluated. These activities represent the acquisition of significant knowledge or originality in the application of knowledge. Thus the College also recognizes the following evidence:
  - a. Professional papers or reports, published or unpublished, which result from and/or describe consultancies;
  - b. Courses or workshops, taught on a consultant basis or at Saint Mary's College, which demonstrate the faculty member's growth as a professional or increase his/her learning, expertise or skill;
  - c. Participation in professional meetings, panels or workshops.
7. Other evidence that the faculty member has earned a sound professional reputation among academic colleagues outside the College.

#### *Service to the College*

A living commitment to our three-fold Mission calls for effective service to our students, our colleagues and the College: that service is both a privilege and a responsibility. Because we value broad representation of faculty (wherever possible) in the College's activities, and because the contribution of all members is required to sustain the community, we expect dedicated and effective service from every member of our community. We are especially committed to serving the full development of our students.

Expected service includes:

1. Conscientious and effective advising of students;

2. Participation in the work of departments, programs, and Schools, and in the governance of the College, for which service on School-wide and College-wide committees is one important element.
3. Attendance at departmental and committee meetings, general Academic Senate meetings, Commencement and other special convocations.

Service can also include (but is not limited to) the following activities:

1. Participation in co-curricular activities such as peer mentoring, student club and athletic team advising, and the production of campus-wide events;
2. Participation in activities inside the College such as colloquia, fora, public lectures, reading and study groups, which foster the intellectual community, institutional identity, and interschool/ interdisciplinary collaboration;
3. Helping to train and mentor new faculty;
4. Non-scholarly service to the larger intellectual, professional, and/or Lasallian community;
5. Service to the larger community in keeping with the College's Lasallian traditions and concern for social justice.

It is the responsibility of faculty to present clear evidence of their effective service to the College. Faculty service should be shared by all. A faculty member is not expected to serve at one time on more than one committee which has an intensive workload. Upon completion of a full term on an intensive workload committee (Academic Senate, Undergraduate Educational Policies Committee, Rank and Tenure, Faculty Welfare, Program Review Committee) a faculty member may ask for exemption from the election process for one year through the chair of the Committee on Committees.

#### 2.6.1.1

##### Additional Criteria

*Tenure:* In addition to the criteria cited above, the following are included in view of the nature of tenure:

1. The needs of the College and the department;
2. The possession of the doctorate or other appropriate terminal degree, or its equivalent;
3. A special emphasis on the contribution and commitment to the aims and ideals of the College, and an active interest in the quality of the curriculum and the ability to work well with colleagues.
4. Exceptional appointments: For appointments with tenure, in addition to the tenure criteria, the following special criteria apply:
  - a) evidence of very high level of teaching effectiveness and continued development of teaching expertise; and
  - b) evidence of highly effective service to his/her college/university community in and beyond the level of the department; and

- c) evidence of superior scholarly achievement, evidenced at least in part by peer review and public presentation among academic colleagues outside the College; and
- d) an active interest in the quality of the curriculum and clear evidence of the ability to work productively with colleagues.

*Promotion:* The following special criteria apply to various ranks:

1. Assistant Professor

- a. possession of the doctorate or other appropriate terminal degree or its equivalent is normally expected.
- b. a promise of teaching effectiveness, scholarly achievement, and effective service (see section 2.6.1, Statement on Criteria for Promotion and Tenure).

2. Associate Professor

- a. possession of the doctorate, other appropriate terminal degree, or its equivalent ;
- b. evidence of teaching effectiveness, scholarly achievement, and effective service (see section 2.6.1, Statement on Criteria for Promotion and Tenure);
- c. since the rank usually accompanies tenure, note criteria for tenure above.
- d. in cases where the faculty member is being considered at the same time for tenure and promotion to Associate Professor and is awarded tenure at that time, the decision to award tenure will also result in a concurrent promotion to the rank of Associate Professor.

3. Full Professor

- a. possession of the doctorate, other appropriate terminal degree, or its equivalent;
- b. high level of teaching effectiveness and continued development of teaching expertise, and
- c. evidence of highly effective service to the College community in and beyond the level of the department, and
- d. significant scholarly achievement, evidenced at least in part by peer review and public presentation among academic colleagues outside the College, and
- e. a special emphasis on the contribution and commitment to the aims and ideals of the College, an active interest in the quality of the curriculum and the ability to work productively with colleagues.

Note: The President and the Provost, at their respective levels of review for promotion and tenure, will review the candidate's complete personnel file to ascertain if, during the time in which the candidate has been employed at the College, there has been a determination of violation of the College's non-discrimination and/or retaliation policies, including but not limited to the College's policy prohibiting sexual harassment. If such a violation has been found, the President and the Provost may take that finding into account when making a final decision regarding the faculty member's candidacy for promotion and/or tenure and will provide written explanation to the faculty member in question if there is a negative ruling resulting from such a review.

## 2.6.2 PROCEDURES FOR PROMOTION AND TENURE

### 2.6.2.1 Eligibility

It is the responsibility of the faculty member to keep track of the schedule of Rank and Tenure reviews, and to keep those involved in the Rank and Tenure process apprised of an appropriate address and telephone number during the deliberation of the Rank and Tenure Committee and the considerations of the Provost. As a matter of courtesy, on or before June 15 of each year the Provost shall remind each person eligible for promotion or tenure. Those persons who are to be considered shall submit to the chair of the Rank and Tenure Committee, on or before September 1 for interim review and on or before October 15 for promotion, tenure, or pre-Professor review, the appropriately completed forms and whatever other information they deem important to the consideration of their cases (statements of activities, publications, honors, etc.).

#### 2.6.2.1.1 Interruption of the Probationary Tenure-Track Period

Tenure-track faculty members have the option of interrupting the probationary period – “stopping the tenure-track clock” – up to a total of two one-year periods for conditions covered by the Family Medical Leave Act or the California Family Rights Act or the Pregnancy Disability Leave, whether or not leave is actually taken.

Stopping the clock under this provision will not be considered a matter for special negotiation, but will be initiated via written notification by the faculty member to the Provost, with copies to the member’s Department Chair and Dean. The option of stopping the tenure clock will be independent of a request for Protected Leave (see 2.13.2.1) or any other leave. The tenure clock will normally be stopped any time during the academic calendar before the submission deadline for the Form A upon request in writing by the faculty member, and will be restarted automatically with the next year’s deadline for the Form A. Tenure decisions will not be affected by the interruption of the probationary period (i.e., there will be no changed/higher expectations). The Provost will respond to the faculty member, with copies to the faculty member’s department chair and dean, indicating how the tenure schedule has been adjusted.

#### 2.6.2.1.2 Promotion

Faculty members will be considered for promotion in the year in which they reach the top step for their rank. They may choose to apply one year before they reach the top step for their rank, or they may choose to defer consideration for promotion until the first or second year after they reach the top step of their rank. Faculty must be considered for promotion in one of those four years. If promotion is denied, any subsequent request for said promotion is at the option of the faculty member; the application must adhere to the procedure described in section 2.6.2.2.

#### 2.6.2.1.3 Tenure

The normal length of probationary tenure-track letters of appointment is one year; all such letters of appointment are eligible for consideration for annual renewal. The total length of the probationary tenure-track period at the College will not exceed seven years. Faculty appointed to a probationary tenure-track position normally will have up to a maximum three years of prior experience recognized toward tenure. In exceptional circumstances a candidate can be appointed with tenure, or with four, five, or six years toward tenure.

Scholarly leave of absence for one year or less will count as part of the probationary period except in the case where a faculty member already has been granted the maximum years towards tenure (three). In this case whether or not the scholarly leave of absence will count as part of this probationary period is subject to prior approval by the Provost. See Section 2.2.2.2 for further information about interrupting the probationary period.

Tenured appointments are permanent appointments which may be terminated under conditions noted in section 2.8.5, with the burden of proof resting upon the College.

#### 2.6.2.2 Faculty, Department and School Procedures

There are three distinct types of review: promotion, tenure, and interim reviews. In a given year a faculty member moving toward promotion and tenure can have overlapping reviews. In all cases, it is the faculty member's responsibility to be knowledgeable about his/her schedule for review. Department/School interim reviews, Rank and Tenure interim reviews, and tenure reviews occur according to the length of the candidate's in-residence probationary period. Promotion reviews occur according to the candidate's placement on the salary scale (see section 2.6.2.1.2).

#### Interim and Tenure Review Cycle by Length of In-Residence Probationary Period

	<b>Seven Years</b> (No years granted toward tenure)	<b>Six Years</b> (One year granted toward tenure)	<b>Five Years</b> (Two years granted toward tenure)	<b>Four Years</b> (Three years granted toward tenure)
1.	No Review			
2.	Dept/School Interim Review	No Review		
3.	Rank & Tenure Interim Review	Rank & Tenure Interim Review	Rank & Tenure Interim Review	
4.	Rank & Tenure Interim Review	Rank & Tenure Interim Review	Rank & Tenure Interim Review	Rank & Tenure Interim Review
5.	Rank & Tenure Interim Review	Rank & Tenure Interim Review	Rank & Tenure Interim Review	Rank & Tenure Interim Review
6.	Rank & Tenure Tenure Review	Rank & Tenure Tenure Review	Rank & Tenure Tenure Review	Rank & Tenure Tenure Review
7.	Terminal year, if necessary	Terminal year, if necessary	Terminal year, if necessary	Terminal year, if necessary
	Note: The timing of promotion reviews by the Rank and Tenure Committee depends upon the candidate's initial placement on the salary scale (see section 2.6.2.1.2)			



### *Document Requirements*

All original documents from all parties should be directed to the Office of Academic Affairs so they may be placed in the Rank and Tenure file.

Candidates should send copies of their self-evaluations for interim review, and Form A for tenure and promotion reviews to the department chairs/program directors and academic Deans of the Schools in those areas in which the candidate teaches more than one course per year; chairs and program directors should send copies of their evaluations to their Deans.

#### 2.6.2.2.1 Interim Reviews Conducted by the Department/Program/School

1. The interim review process provides the candidate, the department, the School, the Rank and Tenure Committee, and the Provost with the opportunity for adequate consideration over a reasonable period of time. All faculty moving toward promotion or tenure will have periodic reviews. There are two kinds of interim reviews, those conducted by the department/program/School (this section) and those conducted by the Rank and Tenure Committee (see section 2.6.2.2.2). It is the faculty member's responsibility to be knowledgeable about his/her schedule for interim reviews.
  - a. All probationary candidates shall be reviewed by their department/ program/School in the year(s) prior to the interim reviews conducted by the Rank and Tenure Committee. The department/program/School reviews occur according to the length of the candidate's in-residence probationary period. (See chart in section 2.6.2.2.)
  - b. Exceptions to the interim review schedule are to be granted only by the Provost in consultation with the Rank and Tenure Committee.
  - c. Department chairs and program directors shall complete these reviews on or before October 15.
2. The chairperson or program director is responsible for conducting department/program interim reviews of probationary candidates whose primary responsibilities lie in that department or program. If the chairperson or program director is not tenured nor on the Rank and Tenure roster, then a tenured member of the department or program shall be selected by the Dean of the School, after consultation with the tenured members of the department or program, to carry out interim reviews. If no tenured faculty exist, then the Dean, after consultation with the tenured members of the School, shall select a tenured member of the School to carry out the interim reviews. In either case the faculty member assuming these duties will receive appropriate compensation or reassigned time. The chairperson or director is charged with preparing a thorough written review of the candidate's performance in each criterion area (see section 2.6.1), which shall be provided to the faculty member and the Dean. A review shall include class visitations, formal consultation with other members of the department or program, including all ranked members, a thoughtful assessment of the candidate's scholarly plans and achievements and his/her service to the College, and a recommendation on reappointment or termination. In cases where the chairperson or program director, in formal consultation with ranked members of the department or program, does not recommend reappointment, the Dean of the School shall review the case and send it on to the Rank and Tenure Committee along with his/her own written recommendation, as prescribed in procedure 5 below.

3. A department chairperson or director of a program will solicit a letter from any other chairperson or director of a program in whose department or program the faculty member being reviewed has taught more than one course during each of the last three years (see sections 1.4.2.2.1 and 2.6.1.1).
4. A Dean of a School is responsible for ensuring that interim review procedures are correctly applied at the School level for all faculty whose primary responsibilities lie in a department of that School. A Dean of a School is not required to evaluate faculty whose primary responsibilities lie in a department outside the School, but who teach in the School.
5. In the case of an interim review of a probationary candidate conducted by the department chairperson or program director: If a Dean of a School concurs with the recommendation for reappointment, he/she shall inform the Provost and the chair of the Rank and Tenure Committee in writing on or before November 1; if the Dean of a School disagrees with the recommendation of reappointment, or agrees with the recommendation of termination, or disagrees with the recommendation of termination, the Dean shall send to the Rank and Tenure Committee, on or before November 1, the written recommendation of the department chairperson or program director together with his/her own written recommendation, stating the reasons for agreeing or disagreeing with the departmental recommendation. The Rank and Tenure Committee shall consider all evidence before making its recommendation, on or before December 1, to the Provost.

#### 2.6.2.2.2

#### Interim Reviews Conducted by the Rank and Tenure Committee

1. *Probationary tenure-track candidates.* Interim reviews by the Rank and Tenure Committee shall occur for all probationary tenure-track professors who will be considered for tenure in either of the two years following appointment. (See chart in preceding section 2.6.2.2.)
2. *Tenured Associate Professors.* One interim review by the Rank and Tenure Committee shall occur for tenured Associate Professors. A person who is tenured but has yet to be considered for Full Professor must have an interim review before being considered for Full Professor. A candidate may choose to schedule this interim review no less than two years after tenure, nor more than four; however, in an instance in which a Full Professor consideration occurs in the first or the second year after tenure, there will be no need for an interim review.
3. Exceptions to the interim review schedule are to be granted only by the Provost in consultation with the Rank and Tenure Committee.
4. On or before June 15 of each year, the Provost shall remind faculty members of their impending reviews. Those persons to be considered for interim review, except pre-Professor, shall submit to the chair of the Rank and Tenure Committee, on or before September 1, whatever self-evaluation and appropriate information they deem important to the consideration of their cases (statements of activities, publications, honors, etc.). Those persons to be considered for pre-Professor review shall submit these materials to the chair of the Rank and Tenure Committee, on or before October 15. The candidate shall remind all chairpersons and program directors in which areas, departments,

programs the candidate has taught of their responsibilities to provide their evaluations of the candidate to the chair of the Rank and Tenure Committee.

5. The chairpersons, program directors, and Deans shall then submit letters of evaluation for interim review candidates, to the chair of the Rank and Tenure Committee, on or before October 15 for department chairs and program directors, and on or before November 1 for Deans. Letters of evaluation for pre-Professor review candidates shall be submitted to the chair of the Rank and Tenure Committee and to the appropriate Dean by department chairs and program directors, on or before December 1, and by Deans on or before December 15.
6. The chairperson or program director is responsible for conducting department/program interim reviews of probationary candidates whose primary responsibilities lie in that department or program. If the chairperson or program director is not tenured nor on the Rank and Tenure roster, then a tenured member of the department or program shall be selected by the Dean of the School, after consultation with the tenured members of the department or program, to carry out interim reviews. If no tenured faculty exist, then the Dean, after consultation with the tenured members of the School, shall select a tenured member of the School to carry out the interim reviews. In either case the faculty member assuming these duties will receive appropriate compensation or reassigned time. The chairperson or director is charged with carrying out a thorough review of the candidate's performance in each criterion area (teaching, scholarship, service). A review shall include class visitations, formal consultation with other members of the department or program, including all ranked members, a thoughtful assessment of the candidate's scholarly plans and achievements and his/her service to the College, and a recommendation on reappointment or termination. In addition, a department chairperson or director of a program is responsible for those interim review procedures dealing with teaching effectiveness, the needs of the College and the department, the quality of the curriculum, and the ability to work well with colleagues at the departmental level for all faculty who have taught more than one course in the department during each of the last three years (see sections 1.4.2.4.1 and 1.4.2.3.18).
7. A Dean of a School is responsible for ensuring that interim review procedures are correctly applied at the School level for all faculty whose primary responsibilities lie in a department of that School (see section 1.4.2.2.1). Unless requested by the Rank and Tenure Committee, a Dean of a School is not required to evaluate faculty whose primary responsibilities lie in a department outside the School, but who teach in the School.

#### 2.6.2.2.3

#### Promotion and Tenure Reviews (effective July 1, 2009)

1. On or before June 15 of each year, the Provost shall provide a written reminder to faculty members of their impending reviews. Those persons to be considered shall submit to the chair of the Rank and Tenure Committee, on or before September 1 for interim review, and on or before October 15 for promotion, tenure, or pre-Professor progress reviews, whatever self-evaluation and appropriate information they deem important to the consideration of their cases (statements of activities, publications, honors, etc.). A faculty member who has previously been denied promotion and who wishes to be considered for promotion in the current year, must inform the Provost no later than September 1.
2. On or before September 1 of each year, the Provost shall provide a written reminder to the Deans of the Schools and the chairpersons of departments or directors of programs

of the names of their faculty members who are to be considered for promotion or tenure. The chairpersons so notified shall then submit to the chair of the Rank and Tenure Committee, on or before September 30 for third-year interim reviews, on or before October 15 for fourth- and fifth-year interim reviews, and on or before December 1 for promotion, tenure, or pre-Professor progress reviews, the appropriately completed forms and whatever other information they deem important to the consideration of their faculty members. The Deans so notified shall then submit to the chair of the Rank and Tenure Committee, on or before November 1 for interim reviews, and on or before December 15 for promotion, tenure, and pre-Professor progress reviews, a letter of recommendation and whatever other information they deem important to the consideration of their faculty members.

3. The chairperson or program director is responsible for conducting departmental/program promotion and tenure reviews of candidates whose primary responsibilities lie in that department or program (see sections 1.4.2.4.1 and 1.4.2.3.18). If the chairperson or program director is not tenured nor on the Rank and Tenure roster, then a tenured member of the department or program shall be selected by the Dean of the School, after consultation with the tenured members of the department or programs, to carry out interim reviews. If no tenured faculty exist, then the Dean, after consultation with the tenured members of the School, shall select a tenured member of the School to carry out the reviews. In either case the faculty member assuming these duties will receive appropriate compensation or reassigned time. In addition, a department chairperson or director of a program is responsible for reviewing all other faculty who have taught in the department or program during the last four years and who are being considered (see sections 1.4.2.4.1 and 1.4.2.3.1.8).
4. A Dean of a School is responsible for promotion and tenure review at the School level for all faculty whose primary responsibilities lie in a department or program of that School. Unless requested by the Rank and Tenure Committee, a Dean of a School is normally not required to evaluate faculty whose primary responsibilities lie in a department or program outside the School, but who teach in the School.
5. On or before June 15 of each year, the Provost shall distribute to the academic community a draft electronic roster of all Rank and Tenure faculty, including a list of those persons who are to be considered for promotion or tenure. Members of the academic community involved in that year's R&T processes will have access to Forms A or B, as appropriate, on the Provost's website: [stmarys-ca.edu/about-SMC/provost/forms/index.html](http://stmarys-ca.edu/about-SMC/provost/forms/index.html).

Form A is to be submitted by candidates for promotion or tenure. Form A asks the candidate for promotion or tenure to address the appropriate criteria listed in this *Faculty Handbook*, and to provide supporting evidence. Form B is to be submitted by the candidate's departmental or program chair. Form B asks the candidate's department or program chair to address the candidate's credentials in light of the *Handbook* criteria, to consider the assessments of the candidate's departmental or program colleagues, and to make an individual recommendation. The candidate's colleagues are asked individually to recommend promotion or tenure, addressing the *Handbook* criteria. Members of the academic community will submit to the chair of the Rank and Tenure Committee, by December 15, letters of evaluation. All individual letters of evaluation are confidential. Any such letters received by the Dean of the School, a department chairperson and by the Student Rank and Tenure Committee should be forwarded immediately to the chair

of the Rank and Tenure Committee to be placed in the candidate's confidential Rank and Tenure file.

The calendar dates listed below indicate deadlines for submission of important materials for promotion, tenure, pre-Professor progress, and interim reviews conducted by the Rank and Tenure Committee. These dates have been established in order to allow for an orderly, efficient, and timely deliberation process for the Rank and Tenure Committee and the candidates for review. In particular, these dates have been established to provide useful and formative advice for interim review candidates and timely notification for promotion and tenure candidates.

Faculty should treat the deadlines as collegial but crucial guidelines. If a candidate for review anticipates a delay in the submission of evaluation materials, then the chair of the Rank and Tenure Committee should be notified in writing prior to the calendar deadline. The chair of the Rank and Tenure Committee and the candidate must negotiate a mutually agreed upon submission date and inform the department chair or program director, Dean, and the Rank and Tenure Committee.

The Rank and Tenure Committee, Provost, and President will endeavor to complete their work consistent with the schedule outlined in the calendar. These dates should not be interpreted as guaranteed by the candidates. Therefore, a missed deadline by the Rank and Tenure Committee, Provost, or President is not an event subject to Grievance (see section 2.16). The President will notify candidates in writing of any significant delay in the decision process.

<b>On or before:</b>	
June 15	<ul style="list-style-type: none"> <li>• Draft Rank and Tenure Roster is distributed electronically.</li> <li>• Rank and Tenure Committee chair reminds faculty, department chairs/program directors and Deans of the impending reviews and the pertinent review dates.</li> </ul>
September 1	<ul style="list-style-type: none"> <li>• Final Rank and Tenure Roster is distributed electronically.</li> <li>• Rank and Tenure Committee chair gives a list of candidates to the Student Rank and Tenure Evaluation Committee, which initiates the Student Rank and Tenure process.</li> <li>• Rank and Tenure chair reminds all faculty that letters of evaluation for candidates for promotion to Professor or tenure are due no later than December 15.</li> <li>• All candidates to be considered by the Rank and Tenure Committee for interim review, except for pre-Professor, must submit self-evaluations, together with other materials for consideration to the Rank and Tenure chair and department chairs/program directors.</li> </ul>
September 30	<ul style="list-style-type: none"> <li>• Chairs/Program Directors submit letters of evaluation for candidates undergoing a third-year interim review.</li> </ul>
October 15	<ul style="list-style-type: none"> <li>• All candidates to be considered by the Rank and Tenure Committee for promotion, tenure, or pre-Professor review must submit Form A together with other materials for consideration to the Rank and Tenure chair and department chairs/program directors.</li> <li>• Chairs/program directors submit letters of evaluation for candidates for candidates undergoing fourth- and fifth-year interim review.</li> </ul>

November 1	<ul style="list-style-type: none"> <li>• Deans submit letters of evaluation for all candidates for interim review to the Rank and Tenure chair.</li> <li>• Rank and Tenure chair circulates to the faculty a list of complete/incomplete interim review files.</li> </ul>
December 1	<ul style="list-style-type: none"> <li>• Chairs/program directors submit letters of evaluation of candidates for promotion, tenure, or pre-Professor review to the Rank and Tenure chair.</li> </ul>
December 15	<ul style="list-style-type: none"> <li>• Deans submit letters of evaluation of candidates for promotion, tenure, or pre-Professor review to the Rank and Tenure chair.</li> <li>• Faculty submit letters of evaluation of candidates for promotion, tenure, or pre-Professor review to the Rank and Tenure chair.</li> <li>• The Rank and Tenure chair sends letters to all faculty who were under interim review, with copies to the candidate's dean and department chair or program director. A copy of this letter is also sent to the Provost.</li> <li>• Rank and Tenure chair circulates to the faculty a list of complete/incomplete promotion, tenure, or pre-Professor review files.</li> </ul>
January 15	<ul style="list-style-type: none"> <li>• The Provost sends letters to all faculty who were under interim review regarding renewal/non-renewal of contracts, with copies to the candidate's dean and department chair or program director.</li> <li>• Student Rank and Tenure Evaluation Committee submits letters of evaluation of candidates for promotion and/or tenure.</li> </ul>
March 15	<ul style="list-style-type: none"> <li>• The Rank and Tenure chair sends letters to candidates for tenure, with copies to the candidate's dean and department chair or program director and the President. A copy of this letter is also sent to the Provost.</li> <li>• The Provost will inform in writing the candidates for whom he/she is considering a negative recommendation of that fact.</li> </ul>
April 1	<ul style="list-style-type: none"> <li>• The Provost sends letters of recommendation of candidates for tenure to the President.</li> </ul>
May 1	<ul style="list-style-type: none"> <li>• The President sends out letters to candidates for tenure, with copies to the candidate's dean and department chair or program director.</li> <li>• The Rank and Tenure chair sends out letters to candidates for promotion and pre-Professor review, with copies to the candidate's dean and department chair or program director. A copy of this letter is also sent to the Provost.</li> </ul>
May 15	<ul style="list-style-type: none"> <li>• The Provost sends letters of recommendation of candidates for promotion to the President, with copies to the candidate's dean and department chair or program director.</li> <li>• The Provost sends letters to faculty subject to pre-Professor review, with copies to the candidate's dean and department chair or program director.</li> </ul>
June 30	<ul style="list-style-type: none"> <li>• The President sends letters to candidates for promotion, with copies to the candidate's dean and department chair or program director.</li> </ul>

#### 2.6.2.2.4

#### Review of Department Chairperson or Program Director

When a department chairperson or program director is scheduled to have a promotion, tenure or interim review, the Provost, appropriate School Dean and that chairperson or director will consult and select a tenured faculty member, normally from that department or

program, who will serve as chairperson for the purpose of the review of that department chairperson or program director as described in sections 2.6.2.2.1 to 2.6.2.2.3.

### 2.6.2.3

#### Rank and Tenure Committee Procedures

1. Although neither the Board of Trustees nor the College administration has formally agreed to the 1940 Statement and subsequent interpretive documents and is not legally bound to adhere thereto, nonetheless, in the matter of faculty tenure, promotion, non-reappointment and termination, the Rank and Tenure Committee, the College administration and the Board of Trustees respect and in general follow, as far as local conditions pertain, the 1940 Statement of Principles and subsequent interpretive comments (1940, 1970 and 1977) of the American Association of University Professors. However, in cases where differences occur between the Saint Mary's College *Faculty Handbook* and procedures and policies of the AAUP, the Saint Mary's College *Faculty Handbook* takes precedence.
2. Confidentiality
  - a. The deliberations and voting of the Rank and Tenure Committee are confidential to everyone except members of the Committee, the Provost, and the President. The recommendations of the Rank and Tenure Committee will be conveyed to candidates, their chairs, and their deans by the President or the chair of the Rank and Tenure Committee. Any other discussion of any of these matters by any member of the committee is a breach of confidentiality. It is the primary responsibility of all members of the Committee to ensure that confidentiality be maintained. Faculty members should not inquire about such confidential matters from members of the Rank and Tenure Committee.
  - b. While the Committee may agree to solicit additional information concerning candidates through the chair of the Rank and Tenure Committee, individual Rank and Tenure Committee members must not solicit such information. Members of the committee may, however, carry out their parallel responsibilities of contribution to the departmental review of a candidate. In doing so, they must rigorously avoid using their position as members of the Rank and Tenure Committee to sway judgments of others participating in this review.
  - c. The chairperson's or program director's letter and the Dean's letter setting forth their recommendations in a Rank and Tenure case will be shared with the candidate no later than the time of its submission to the Rank and Tenure Committee. The Dean, chairperson or program director, and the Rank and Tenure Committee shall not include or reference confidential materials in the candidate's file in a manner which could reveal their existence or their source.
  - d. If a question arises concerning a breach of confidentiality or misuse of the information gathering process by a member of the Rank and Tenure Committee, the other members of the Committee should consider the matter together and take whatever action the Committee deems appropriate.
  - e. Other than current members of the Rank and Tenure Committee, those who have access to confidential information in Rank and Tenure files are the President, the Provost, the Dean of the School for school faculty, and department chairpersons (or

program directors) for department faculty (or program faculty). (See Review of Department Chairperson or Program Director, section 2.6.2.2.4.)

- f. The minutes of the Rank and Tenure Committee meetings are confidential. Normally, in addition to the members of the Committee, only the President has access to them. However, members of the Grievance Committee who are hearing appeals of cases alleging inadequate considerations or violation of academic freedom (see Grievance, section 2.16.), and the members of the Board of Trustees who are hearing appeals of cases alleging a violation of academic freedom only (see Grievance, section 2.16.3., Step IV), have access to the confidential material that was available to the Rank and Tenure Committee, as well as the minutes of the Rank and Tenure Committee meeting(s) pertaining to the case(s) being appealed. All having such access are bound by the same confidentiality which binds the Rank and Tenure Committee.

### 3. Voting

- a. The Rank and Tenure Committee may conduct business with a quorum of seven members, but it endeavors to conduct business only when all nine regular members are present. Any member who has a defined role (e.g., department chair or program director) in the recommendation for a candidate shall excuse him/herself from the voting. If another member believes that he/she would not be able to cast a vote, then he/she will recuse himself/herself from the discussion and vote for that case.
  - b. If any member of the Rank and Tenure Committee judges that he/she has had insufficient time to read all pertinent materials of a particular case, he/she may request the case be continued to a later meeting.
  - c. If a member of the Committee judges that the information submitted on a candidate for promotion or tenure is insufficient, he/she may move to table the voting until the Committee believes sufficient information is available.
  - d. In making recommendations concerning cases involving interim review, promotion, and/or tenure, the Committee will vote by secret ballot. Tally of votes is recorded only in the minutes.
  - e. A minimum of five votes, either positive or negative, are required to make a recommendation for the Rank and Tenure Committee. Only positive or negative votes shall be cast. In case of a tie vote, further discussion and a new vote will occur at the next meeting in which at least seven members are present unless the Committee decides otherwise by unanimous consent.
4. The Rank and Tenure Committee endeavors to complete its recommendations by the last day of classes in May.



1. By September 1 of each year, the Provost shall present to the Student Rank and Tenure Committee chairperson the names of undergraduate faculty members of the Schools of Liberal Arts, Science, and Economics and Business Administration, who will be considered for promotion and tenure review during that year.
2. The Student Rank and Tenure Committee chairperson meets with the Rank and Tenure Committee at the latter's organizational meeting in the fall term to present a description of the student committee's techniques for evaluating and recommending candidates for tenure and promotion.
3. Members of the Student Rank and Tenure Committee will endeavor to distribute teaching evaluation forms during the fall term in the classes of candidates for promotion and tenure. Members of the Student Rank and Tenure Committee will be given access through the Office of Academic Affairs to the previous spring teaching evaluation forms for all such candidates.
4. The Student Rank and Tenure Committee presents formal written recommendations on promotion and tenure to the Rank and Tenure Committee no later than January 15.
5. During the Spring Term, members of the Student Rank and Tenure Committee assist the Office of Academic Affairs staff in conducting course evaluations for those instructors potentially under review by the Faculty Rank and Tenure Committee the following academic year.

#### 2.6.2.5

#### Recommendation and Decision Procedures

##### *Interim Review*

1. All interim review decisions of the Rank and Tenure Committee, whether positive or negative, are recommendations to the Provost and go first to the Provost for consideration before a final decision regarding reappointment is made. (See section 2.8.3.1 for additional information regarding negative decisions.)
  - a. When the Provost has reached a decision, the candidate receives both the letter of the Rank and Tenure Committee, signed by its chair, and a letter signed by the Provost announcing that decision, with a copy to the faculty member's Dean and department chair or program director.
  - b. Each group of interim letters (e.g., fourth-year review) should go out to individual faculty members at the same time.

##### *Tenure*

1. All decisions on tenure by the Rank and Tenure Committee, whether positive or negative, are recommendations to the President, who grants or denies tenure.
  - a. When a positive decision has been made by the Rank and Tenure Committee, the Chair sends a letter to the candidate, with a copy to the candidate's dean and department chair or program director and the President, and a copy to the Provost for consideration.

- b. When the Provost's decision is also positive, the letter from the Rank and Tenure Committee chair and a letter stating the Provost's agreement are forwarded together to the President.
  - c. When the Provost is considering rendering a negative decision, the Provost shall inform the candidate in writing. If the candidate so desires, the Provost shall discuss the basis for the negative decision with the candidate.
    - i. The candidate shall have fifteen (15) working days from the date of posting of certified mail from the Provost to submit to the Provost his/her written response to the negative decision, including any additional materials for consideration.
    - ii. After receiving the candidate's reply, or after the allotted time for the candidate's reply has passed, whichever comes first, the Academic Provost will then make a formal decision and write a letter to the President.
    - iii. The Provost will send that letter together with the letter from the Rank and Tenure Committee and any timely response from the candidate (including additional materials for consideration) directly to the President at the same time.
  - d. When a negative tenure decision has been made by the Rank and Tenure Committee, the Chair of the Committee shall inform the candidate in writing of its recommendation against tenure, copying that letter to the President, the candidate's dean and department chair or program director, and send that letter to the Provost for consideration.
    - i. The candidate shall have fifteen (15) working days from the date of posting of certified mail from the chair of the Rank and Tenure Committee to submit to the Provost his/her written response to the decision, including additional materials for consideration.
    - ii. After the allotted period of time for the candidate's reply has passed, or a reply has been received, whichever occurs first, the Provost will make a decision.
    - iii. The Provost will convey the decision in a letter to the President, which will be forwarded at the same time as any timely response (including additional materials) from the candidate, and the letter from the Rank and Tenure Committee, signed by the chair.
2. Upon receipt of the recommendations and the candidate's written response (if timely made) the President of the College shall review the recommendations and the candidate's written response and make the final decision as to the granting or denial of tenure.
  3. If the President disagrees with the recommendations of the Rank and Tenure Committee and/or the Provost to grant tenure in a tenure consideration, the President will meet with the Rank and Tenure Committee or, if his disagreement is with the Provost alone, with the Provost, to discuss the case. If, after such meeting and discussion, the President still disagrees with the recommendation(s) in a case where the President intends to deny tenure, the President shall inform the faculty member in writing of the President's decision to deny tenure and will inform the candidate of the

recommendations of both the Rank and Tenure Committee and the Provost. If the faculty member so requests, the President will give (the) reasons for denial of tenure orally, in person or by telephone, to the faculty member. If the faculty member so requests, the President will give the faculty member a written statement of the reasons for denial of tenure.

4. The President will inform all candidates in writing of his decision to grant or deny tenure. To the extent possible, notification to the candidates of tenure decisions will be made at approximately the same time. In all cases where the President's decision is to deny tenure, the President shall inform the candidate in writing of the President's decision and the recommendation (to recommend or deny) of the Rank and Tenure Committee, and the recommendation (to recommend or deny) of the Provost.
5. Following notification to the candidate of the President's decision, the candidate may appeal the President's decision to deny tenure according to the Appeal Procedures.

#### *Promotion*

All decisions on promotion by the Rank and Tenure Committee, whether positive or negative, are advisory to the President, but are sent first to the Provost for consideration. When the deliberations of the Rank and Tenure Committee are completed, the Rank and Tenure Chair sends a letter announcing its recommendation to the candidate and a copy of that letter to the Provost. The Provost arrives at a separate decision, based on a review of the evidence gathered in the formal Rank and Tenure process and any new materials submitted by the candidate after the Rank and Tenure Committee decision. The Provost will indicate in writing to the President whether he concurs with the recommendation of the Rank and Tenure Committee and forward to the President both that written concurrence and the letter from the Rank and Tenure Committee. If the Provost does not concur with the recommendation of the Rank and Tenure Committee, he will write a separate letter and forward this to the President along with the letter from the Rank and Tenure Committee. The President shall make his decision based on the stated *Faculty Handbook* criteria for promotion and tenure, after reviewing the evidence gathered in the formal Rank and Tenure process and any additional materials submitted by the candidate to the Provost pursuant to notification of a negative Rank and Tenure Committee or Provost's decision.

### 2.6.3 ADVANCEMENT, TENURE AND PROMOTION OF ACADEMIC ADMINISTRATORS

1. Academic administrators with faculty rank are those who meet the following criteria:
  - a. Regular faculty status, granted according to the same standards that apply to other members of the faculty.
  - b. Administrative duties of a genuinely academic character, that is, directly concerned with the academic program or with the academic preparation of students (e.g., President, Provost, Vice Provost of Undergraduate Academics, Dean of a School).
2. In disputed cases, the Rank and Tenure Committee should determine whether an individual administrator meets both of these criteria.
3. Academic administrators with faculty rank are considered in the same category as full-time faculty members for purposes of tenure and promotion, even though their teaching

duties may be part-time or may be interrupted entirely by administrative duties. Like other faculty members, they progress one step within rank each year.

4. With regard to promotion and tenure, the same procedures should be followed as far as possible for academic administrators as for other members of the faculty.
5. The Provost and Vice Provost of Undergraduate Academics will be reviewed by the Rank and Tenure Committee. The committee shall use its discretion in finding means to conduct the fullest possible evaluation, including personal interview with the candidate. Recommendation should be made by the chairperson of the Academic Senate to the President of the College.
6. Promotion and the granting of tenure to academic administrators should be governed by the same criteria that are applied to other faculty members (with the exception that the academic administrator is regarded as full-time regardless of the extent of his/her teaching duties).
7. The Rank and Tenure Committee makes no recommendation directly on the appointment and retention of academic administrators who are appointed in their administrative capacity by the President of the College. It does make recommendations on their rank and promotion and tenure.

## **2.7 TENURE**

(see section 2.6)

## **2.8 SEPARATION**

### **2.8.1 RESIGNATION**

#### *Resignation with Notice*

A faculty member may resign his/her appointment, usually effective at the end of the academic year. The member should give notice in writing of his/her intention to resign as soon as possible, but not later than June 1.

#### *Resignation by Default*

Resignation of a faculty member is presumed if the annual letter of appointment is not signed and returned to the Director of Human Resources within the time stipulated in the letter of appointment.

### **2.8.2 RETIREMENT OF TENURED FACULTY MEMBERS**

1. A tenured faculty member intending to retire is urged to inform in writing the department chairperson and/or program director, and the Dean of the School of his/her decision to retire at least one year prior to the expected retirement date, so that the department/program can make appropriate plans.

2. A tenured faculty member intending to retire must submit a letter to his/her department chair/program director, and Dean indicating this decision and the effective date of retirement so that the department/program can make appropriate plans.
3. A tenured faculty member considering retirement, or wishing to retire, should consult the Human Resources office regarding social security, as well as TIAA-CREF illustrations of projected income and other benefits under the College's retirement plans at least six months in advance of expected retirement date. (Refer to Retirement, section 2.14.9.)
4. Following retirement, a tenured faculty member may be eligible for consideration for appointment as a lecturer at the discretion of the appropriate Department Chair or Program Director.

### 2.8.3 NON-REAPPOINTMENT OF TENURE-TRACK FACULTY

#### 2.8.3.1 Notice of Non-reappointment of Probationary Tenure-track Faculty

1. As part of the interim review process, the Rank and Tenure Committee may recommend non-reappointment to the Provost, in which case the Rank and Tenure Committee will notify the candidate's Dean and department chairperson/program director of the Rank and Tenure Committee recommendation.
2. The decision not to renew the term appointment of a tenure-track faculty member, before his/her tenure consideration year, is made by the Provost in consultation with the Dean of the candidate's School and with his/her department chairperson/program director.
3. A faculty member who is not reappointed may appeal the decision by the Provost to the Grievance Committee (see section 2.16).

#### 2.8.3.2 Standards of Notice for Probationary Tenure-track Appointments

1. Full-time, tenure-track faculty members in their first academic year of service must be notified in writing by the Provost of non-reappointment or intention to recommend non-reappointment not later than March 1 of that year or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination.
2. Full-time, tenure-track faculty members in their second year of service must be notified in writing by the Provost of non-reappointment or of the intention to recommend non-reappointment not later than December 15 of that year or, if the appointment terminates during the academic year, at least six months in advance of its termination.
3. Full-time, tenure-track faculty members in their third year or later of academic service must be notified in writing by the Provost of non-reappointment or of intention to recommend non-reappointment no later than June 30 of that year or, if the one-year appointment terminates during an academic year, at least 12 months in advance of the expiration of their appointments.

## 2.8.4 ISSUANCE OF LETTERS OF APPOINTMENT FOR NON-TENURE-TRACK FACULTY

Appointment as a non-tenure-track faculty member is for a set number of courses and a set term and does not imply any continued employment beyond the date set forward in the letter of appointment. However, in the case of a full-year appointment, the College will indicate no later than December 15 of the current appointment year whether the College anticipates offering a subsequent letter of appointment. This does not apply to appointments for only one semester, quarter, or term, even when those appointments are combined with non-teaching duties at the College. All of these conditions will be reflected in the letter of appointment issued by the College.

### 2.8.4.1 Retirement of Non-tenure-track Faculty

If a non-tenure-track faculty member anticipates retirement and has retirement benefits, he/she should follow the procedures outlined in section 2.8.2.

## 2.8.5 TERMINATION OF AN APPOINTMENT BY THE COLLEGE

Termination of an appointment with continuous tenure or of a probationary or temporary appointment before the end of a specified term, will be by the President (unless otherwise noted below) for adequate cause, as follows:

### 2.8.5.1 General Financial Exigency

Termination may result because of a general state of financial exigency which threatens the survival of the College. In advance of a declaration of a state of general financial exigency, the President and the Chief Financial Officer will explain the financial state of the College, and will involve the faculty, including the Faculty Welfare Committee, in a discussion regarding what steps can be taken to avoid the declaration of general financial exigency by the Board of Trustees. Upon designation of a general financial exigency by the Board of Trustees an Ad Hoc Committee on Termination shall be appointed by the chair of the Academic Senate with the advice and consent of the Senate. The Ad Hoc Committee on Termination shall consist of six tenure-track faculty members, one from each School, and the chair of the Academic Senate, who shall serve as a non-voting chair of the committee. The Ad Hoc Committee on Termination shall establish criteria for termination and shall identify those to be terminated. Any faculty member identified as one to be terminated has the right to a review hearing. Every effort will be made to place the faculty member in another position in the College for which the person is qualified. In such circumstances the Provost, Chief Financial Officer, chair of the Faculty Welfare Committee and chair of the Academic Senate will constitute a committee to review the budget situation and to make a recommendation to the President as to whether an appropriate severance package would be awarded. If, during a three-year period the position is reopened, the terminated faculty member will have the option of assuming his/her former position.

### 2.8.5.2 Discontinuance of an Academic Program or Department not Mandated by General Financial Exigency

The decision to discontinue an academic program or a department where there are tenured or tenure-track faculty not covered by a state of financial exigency shall be based on educational considerations. The Undergraduate Educational Policies Committee (or the Graduate and Professional Studies Educational Policies Committee if the program falls

under their jurisdiction) shall examine the evidence presented by the Dean of the School in which the program or department resides and shall recommend action to be taken by the Academic Senate. The program or department may not be discontinued until such a recommendation is approved by the Academic Senate and the Provost according to established procedures (see below section 2.8.5.2.2). If a tenured faculty member is displaced by the discontinuance of a program or department, the College has the obligation to appoint the individual to another position for which he/she is qualified and which is not occupied by another tenured faculty member. Similarly, if a tenure-track, non-tenured faculty member is displaced by the discontinuance of a program or department, the College has the obligation to appoint the individual to another position for which he/she is qualified and which is not occupied by a tenure-track or tenured faculty member. If, during a three-year period, the department or program is reopened, the terminated faculty members, in order of their College employment seniority, will have the option of assuming their former positions during the first year the program or department reopens. A faculty member may request a formal review hearing by an ad hoc faculty committee appointed by the Academic Senate regarding his/her reassignment. In such circumstances the Provost, Chief Financial Officer, chair of the Faculty Welfare Committee and chair of the Academic Senate will constitute a committee to review the budget situation and to make a recommendation to the President as to whether an appropriate severance package would be awarded.

#### 2.8.5.2.1 Process for Suspension of Program Enrollment

The Dean of a School may halt new enrollment of students in the program for one or at most two consecutive enrollment periods (a quarter, a trimester, a traditional undergraduate semester, etc., whichever applies to that program). This action can occur only after the dean receives approval of the provost, after a review is completed by the GPSEPC, and in consultation with the Chair of the Senate, program chair or director, members of the governing board if any, and other faculty in the affected program or department. The Dean must notify the Chair of the UEPC or GPSEPC in writing of the plan for suspension of admissions and its effect on classes, and set a deadline for their resumption. The Dean will also notify the faculty of the program. If the Dean believes that the termination of the program is the likely outcome of the suspension of enrollment, appropriate steps must be taken to initiate the termination process so that the process stated below (ending in an Academic Senate action) can be reached before the suspension period ends. Under no circumstances should classes or enrollment be suspended beyond two consecutive academic enrollment periods without a determination by the UEPC or GPSEPC of the status of the program. The Chair of the UEPC or GPSEPC may require a full report by the Dean of the affected program prior to the end of the suspension period if the Chair believes that such a report would help resolve the situation.

#### 2.8.5.2.2 Process for Discontinuance of an Academic Department or Program

1. Proposals should be written by the appropriate academic dean with reference to the *Guidelines for Department and Program Reviews* to ensure that all aspects of the department or program are duly considered. In addition, the proposal should address the following questions:
  - (a) Why should the department or program be terminated based on the following criteria: quality of the program, demand, efficiency, and centrality to the mission of the College
  - (b) What are the probable effects of termination of the program? For example, who will be affected by the decision? How? What are the potential effects on faculty

(tenured, tenure track, and non-tenured), staff, students, majors, other undergraduate and/or graduate programs of the College? What effect will this action have on other departments? What effect will this action have on the College's character and mission (Liberal Arts, Catholic, Lasallian)?

- (c) What steps should the College take to minimize any negative effects of the discontinuation?
2. Proposals for discontinuing a department or program are to be submitted in writing to the Undergraduate Educational Policies Committee (UEPC) or Graduate & Professional Studies Educational Policies Committee (GPSEPC) during the academic year but no later than March 1st. Once a proposal is received, the committee will meet with (1) the Provost, or the Vice Provost for that program, (2) the Dean of the department's or program's school, (3) the department chair or program director, (4) the department/program faculty, and (5) a Program Review Committee representative. The committee chair will then bring forward to the Academic Senate either a) a recommendation for discontinuance or b) recommendation against discontinuance.
3. The Senate will consider and take action on the recommendation of the UEPC or GPSEPC.

#### 2.8.5.3 Medical Reasons

Termination will be based on clear and convincing medical evidence that the member cannot continue, with or without reasonable accommodation, to fulfill the terms and conditions of appointment. The evidence will be reviewed in confidence by the Rank and Tenure Committee if requested by the faculty member. Severance salary will be offered.

#### 2.8.5.4 Failure to Observe Conditions for Leave of Absence or Sabbatical

If a faculty member fails to observe the conditions mutually agreed upon in writing for a leave of absence or a sabbatical, he/she may be subject to a hearing of the Grievance Committee called at the request of his/her department chair, appropriate Academic Dean, or the Provost to recommend whether there is cause for termination. The party bringing the complaint shall present a written case for termination to the Grievance Committee and the faculty member. The Committee will set a time for meeting and will give the faculty member an opportunity to present his/her own case. When the Committee has reached a recommendation, it will notify all parties. The Provost will render the decision whether to terminate the employment of the faculty member. If his/her decision is different from the recommendation of the Grievance Committee, the Provost will set out his/her reasons. The decision of the Provost may be appealed by the faculty member concerned directly to the President. In all instances, the President's decision shall be final.

#### 2.8.5.5 Unfitness

Unfitness to perform in a professional capacity will constitute cause for termination. Unfitness includes, but is not limited to, incompetence, dereliction of duty, transgression of academic freedom (section 2.9.1), violation of law directly interfering with the performance of one's faculty responsibilities (e.g., failure to comply with the College's non-discrimination policies), and immoral conduct in the performance of his/her duty. The faculty member's department chair, appropriate Academic Dean, or the Provost will present a case for termination to the Grievance Committee. The Committee will set a time for meeting and will give the faculty member an opportunity to present his/her own case. When the



Committee has reached a recommendation, it will notify all parties. The Provost will render his/her decision whether or not to terminate the employment of the faculty member. If his/her decision is different from the recommendation of the Grievance Committee, the Provost will set out his/her reasons. The decision of the Provost may be appealed by the faculty member concerned directly to the President. In all instances, the President's decision shall be final.

If in the judgment of the Administration, there is a likelihood of immediate harm to student(s), other faculty, or the faculty member him/herself, the faculty member may be suspended with pay pending the resolution of the hearing, decision, and appeal process.

## **2.9 FACULTY RIGHTS AND RESPONSIBILITIES**

### **2.9.1 ACADEMIC FREEDOM AND RESPONSIBILITY**

Saint Mary's College's ability to perform its Mission depends on the vigorous and unimpeded exercise of the Faculty's academic freedom. The common good of our Catholic, Lasallian, and Liberal Arts community depends on the free search for truth and its exposition.

Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights.

#### **ACADEMIC FREEDOM**

- a. All Saint Mary's faculty are entitled to full freedom in research and in the publication of the results, subject to adequate performance of their other academic duties.
- b. Faculty are entitled to freedom in the classroom in discussing their subject or area of professional expertise, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject or area of expertise. Faculty have a particular obligation to promote conditions of free inquiry, discussion, and expression.
- c. Saint Mary's College faculty are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they are free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they must remember that the public may judge their profession and their institution by their utterances. Hence they must at all times be accurate, exercise appropriate restraint, show respect for the opinions of others, and make every effort to indicate that they are not speaking for the institution.

(This statement is based on principles articulated in the following AAUP documents: "1940 Statement of Principles on Academic Freedom and Tenure," the 1940 and 1970 interpretive comments, the "Statement on Students' Rights and Freedoms," the "Statement on Extramural Utterances," the "Statement on Professors and Political Activity," the "Statement on Professional Ethics, Section II.")

## 2.9.2 POLICY ON PUBLIC PRESENTATIONS

### 2.9.2.1. Preamble

Saint Mary's College of California is a Catholic institution of higher education in the Lasallian tradition where the liberal arts inform, enrich, and shape all areas of learning and where special importance is placed on fostering the intellectual skills, habits of mind, and activities which liberate persons to probe deeply the mystery of existence and live authentically in response to the truths they discover.

Our mission challenges us to pursue truth wherever it can be found, confident that between faith and reason there can be no fundamental conflict. While we place a high value on freedom of inquiry and discussion, and on the opportunity for intellectual stimulation, which can be the product of controversial content, with this freedom also comes fiduciary responsibility. The policy which follows outlines reasonable precautions for the scheduling of controversial events, which are designed to foster authentic dialogue and to protect the reputation of the *alma mater* we all cherish.

### 2.9.2.2. Policy

#### 2.9.2.2.1. *Definitions*

- a. "Public presenter" means a person neither attending Saint Mary's College nor otherwise employed by the College who is invited to make a public address or give a public performance.
- b. "Public" qualifies audiences composed in whole or part of persons neither attending nor employed by Saint Mary's College.
- c. "Public" qualifies presentations, including performances or addresses, open to public audiences.
- d. The following guidelines do not apply to faculty members in the teaching of their classes. (Cf. *Faculty Handbook* 2.9.1.b.)

#### 2.9.2.2.2. *Considerations for Public Presentations*

- a. Public presentations must serve the mission of the College, as provided in the Preamble.
- b. All applicable procedures for contracting and scheduling, as provided in the Faculty, Staff or Student Handbook, must be followed.
- c. Public presentations must be ticketed, if seats are limited.
- d. Significant access for SMC students must be assured.
- e. If the presentation involves audience participation (e.g., a question period), SMC students must enjoy priority.
- f. Sponsors' announcements or advertisements will declare that public presenters' views are not necessarily those of Saint Mary's College or the sponsoring collegiate entity.
- g. The Office of College Communications must approve announcements and advertisements.
- h. Sponsors will take reasonable steps to ensure that debate or discussion attending public presentations is conducted in a fashion worthy of a community of learning.
- i. It belongs to the exercise of that deliberate responsibility for the common good which is supposed in the Preamble that sponsors of foreseeably controversial presentations take counsel with the appropriate Dean or other supervisor, who may in turn seek the counsel of the Provost or President.

2.9.2.2.3. *Conditions under which the President may preclude, rescind or modify invitations to public presenters*

In extraordinary circumstances, the President may deny a requested invitation, reschedule or relocate the presentation, or rescind the invitation if in the President's judgment one of the following conditions apply:

- a. The presentation is egregiously contrary to the College's mission;
- b. The presentation presents an immediate and unmanageable risk to the physical safety of members of the College community or their guests; or
- c. The presenter(s) or his/her (their) agent's refusal to agree to the College's expressed policies or contracting terms presents an unacceptable risk to the College.

The President will explain to the Senate a decision to deny or withdraw an invitation.

2.9.3 INSTITUTIONAL POLICIES

*Nondiscrimination Disclosure*

In compliance with applicable law and its own policy, Saint Mary's College of California is committed to recruiting and retaining a diverse student and employee population and does not discriminate in its admission of students, hiring of employees, or in the provision of its employment benefits to its employees and its educational programs, activities, benefits and services to its students, including but not limited to scholarship and loan programs, on the basis of race, color, religion, national origin, age, sex/gender, marital status, ancestry, sexual orientation, medical condition or physical or mental disability.

2.9.3.1 Policy Prohibiting Discrimination, Harassment (including Sexual) and Retaliation

*Non-Discrimination Policy*

Saint Mary's College of California is committed to creating and maintaining a community in which all persons who participate in Saint Mary's programs and activities can work and learn together in an atmosphere free of all forms of discrimination, exploitation, intimidation, or harassment (including sexual) based on a legally protected characteristic or status. Every member of the Saint Mary's community should be aware that Saint Mary's will not tolerate harassment or discrimination on the basis of race, color, religion, national origin, ancestry, age, gender, sexual orientation, marital status, medical condition, or physical or mental disability, gender stereotyping, taking a protected leave (e.g., family, medical, or pregnancy leave), or on any other basis protected by applicable laws. Such behavior is prohibited both by law and by Saint Mary's policy. It is Saint Mary's intention to take whatever action may be needed to prevent, correct, and if necessary, discipline behavior which violates this policy, which may include suspension, termination, expulsion, or another sanction appropriate to the circumstances and violation. All members of the Saint Mary's community, including faculty, students, and staff are responsible for maintaining an environment that is free of sexual harassment and other forms of discrimination, harassment and retaliation as described in this Policy.

*Definition of Sexual Harassment*

1. Sexual harassment is a form of sex discrimination, which is illegal under both federal and state law. It can be verbal, visual, or physical. Although what constitutes sexual harassment will vary with the particular circumstances, it is defined as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- a. submission to such conduct is made either explicitly or implicitly a term or condition of instruction, employment, or participation in a College activity, or
  - b. submission to or rejection of such conduct by an individual is used as a basis for evaluation in making academic or personnel decisions affecting that individual; or
  - c. such conduct has the effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile, or abusive working or learning environment.
2. Sexual harassment does not include verbal expression or written material that is relevant and appropriately related to course subject matter or curriculum, and nothing in this policy is intended to interfere with Saint Mary's educational mission or academic freedom, e.g., the ability of a teacher or student to examine examples of harassment appropriate to a particular subject.
  3. A determination of whether particular conduct creates an intimidating, hostile or abusive work or learning environment is assessed from the point of view of a reasonable person in the complainant's position; such a determination also takes into account the totality of the circumstances, including, but not limited to, the following:
    - a. the frequency of the abusive conduct;
    - b. its seriousness;
    - c. whether it is physically threatening or humiliating;
    - d. the location of the conduct and the context in which it occurred;
    - e. the degree to which the conduct affected the education or employment environment; and,
    - f. the relationship between the parties.

*Examples of Conduct which may be Sexual Harassment*

1. Examples of verbal, physical or visual conduct which may be sexual harassment include, but are not limited to:
  - a. direct propositions of a sexual nature;
  - b. sexual innuendoes and other seductive behavior, including subtle pressure for sexual activity such as repeated, unwanted requests for dates, and repeated inappropriate personal comments, staring, or touching;
  - c. direct or implied threats that submission to sexual advances will be a condition of employment, promotion, grades, etc.
  - d. conduct (not legitimately related to the subject matter of a course or curriculum, if one is involved) that has the effect of discomforting, humiliating or both, and that includes one or more of the following:
    - i. comments of a sexual nature, including sexually explicit statements, questions, jokes, anecdotes, or graphic material (e.g., visuals, such as screen savers, which are sexually explicit);
    - ii. unnecessary or unwanted touching, patting, massaging, hugging or brushing against a person's body or other conduct of a physical nature;
    - iii. remarks of a sexual nature about a person's clothing or body;

- iv. insulting sounds or gestures, whistles, or catcalls;
  - v. invading someone's personal space or blocking her/his path;
  - vi. unwelcome and inappropriate letters, telephone calls, electronic mail, or other communications;
  - vii. displaying sexually suggestive objects, pictures, cartoons or posters (e.g. screen savers).
  - e. a consensual romantic or sexual relationship which
    - i. causes adverse treatment of third parties, or
    - ii. creates a hostile or intimidating working or learning environment for third parties;
  - f. stalking (which is also criminal behavior).
  - g. sexual assault (which is also criminal behavior).
2. Some conduct that may appear to be consensual may also be unacceptable.
  3. Sex/gender-based discrimination, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on a person's gender or gender-based characteristics, but not involving conduct of a sexual nature (e.g., the repeated sabotaging of female students' laboratory experiments by male students in the class) may be a form of sex discrimination prohibited by law. While sex/gender-based discrimination may be distinguished from sexual harassment, acts of sex/gender-based discrimination may contribute to the creation of a hostile work or academic environment. Thus, a determination of whether a hostile environment due to sexual harassment exists may take into account acts of sex/gender-based discrimination.
  4. Not all sexual harassment occurs between persons of differing power. Sexual harassment may also occur between peers. In addition, while the majority of reported cases of sexual harassment involve a male harassing a female, sexual harassment may also involve a female harassing a male, or an individual harassing a person of the same gender.

NOTE: Nothing in this Policy should be construed to prevent faculty members from rigorously challenging fundamental beliefs held by students and society. However, faculty members may not interject into the academic setting sexual material that is unrelated to any legitimate educational objective or allow the educational setting to be so sexually charged that Saint Mary's students are prevented from effectively participating in the academic environment.

#### 2.9.3.1.1

##### Retaliation and/or Violation of Interim Protections

Threats or other forms of intimidation and/or retaliation against a student or employee for bringing a complaint of alleged discrimination, harassment (including sexual or sexual assault) or of any other violations of College policies, including but not limited to the Student Code of Conduct, are prohibited. This prohibition includes threats or other forms of intimidation and/or retaliation against the family or friends of a student or employee who brings a complaint under this policy, or those who assist a student or employee in bringing a complaint, or those who participate in an investigation and/or student discipline process for an alleged violation of the Student Code or other College policy.

Retaliation is a violation of College policy and may also be a violation of the law. An allegation of retaliation constitutes an independent basis for investigation and imposition of sanctions on the retaliating student or employee if determined to have occurred. All conduct

that is believed to constitute retaliation should be reported immediately to the Associate Dean of Student Life (when the individual alleged to have engaged in retaliation is a student or student visitor) or to the Director of Human Resources (when the individual alleged to have engaged in retaliation is an employee (faculty and staff) or visitor to the College (e.g., contractors, vendors, or non-student guests). The reporting procedures described below also apply to allegations of retaliation. Interim protections mean steps the College takes to reasonably protect employees and students during an investigation and/or student discipline process.

#### 2.9.3.1.2 Reporting Procedures and Resources for Addressing Complaints of Discrimination, Harassment (including Sexual) and Retaliation

Saint Mary's has in place internal procedures to investigate and address complaints of discrimination, harassment (including sexual), and retaliation as described in this Policy. These procedures are intended to assure fairness and to maintain confidentiality in the process of responding to complaints.

Complaints of discrimination and harassment, including sexual harassment or sexual assault, based on the protected characteristics above and/or retaliation that involve employees (faculty and staff) or visitors to the College (e.g., contractors, vendors, volunteers or non-student guests) should be reported promptly to the Director of Human Resources, who is responsible for overseeing Saint Mary's compliance with this Policy and who will determine the appropriate next step for investigation and resolution. All members of the Saint Mary's community shall cooperate fully with the Director of Human Resources in the fulfillment of her/his responsibilities.

Complaints of discrimination and harassment, including sexual harassment or sexual assault, based on the protected characteristics listed above and/or retaliation involving students or student visitors should be reported promptly to the Associate Dean of Student Life who will initiate the appropriate student discipline process to address those complaints.

Individuals who believe they have experienced discrimination, harassment and/or retaliation are also free to contact the Equal Employment Opportunity Commission and/or the California Department of Fair Employment and Housing to pursue external legal remedies.

#### 2.9.3.1.3 Non-Discrimination Seminars

Saint Mary's offers its employees during each academic year several opportunities to attend seminars regarding discrimination (which will also include an update on legal developments in the area of sexual harassment). Throughout each academic year, students have the opportunity to attend programs regarding discrimination and sexual harassment, including sexual assault. Except as described below, all employees must attend one such on-campus seminar in this area per academic year (defined as July 1 to June 30). Lecturers and adjunct faculty who have difficulty attending on-campus seminars due to either geographic distance from Moraga and/or evening teaching schedules during the academic year, as well as staff who work only at off-campus locations (excluding the Rheem campus), may comply with this requirement by completing an on-line sexual harassment seminar offered by the College once every two academic years. Employees who are on an approved and/or legally mandated leave during the academic year are not required to fulfill this requirement while on that leave, but will be expected to do so in the next academic year following their return from such leave.

Except for those faculty and staff described above, failure of a tenure-track or tenured faculty or staff member to attend an on-site College-sponsored sexual harassment seminar during each academic year, when offered, as evidenced by the absence of a record of attendance at such seminar, may result in the Board of Trustees declining to indemnify (i.e., pay any judgment against or settlement on behalf of the individual), to the extent permitted by law, the faculty or staff member should a claim for discrimination, including but not limited to sexual harassment, or retaliation be brought against that faculty or staff member.

Except for those faculty and staff as described above, failure of a non-ranked faculty member (e.g., adjunct, lecturer) to attend an on-site College-sponsored sexual harassment seminar during each academic year, when offered, as evidenced by the absence of a record of attendance at such seminar, may result in the Board of Trustees declining to indemnify (i.e., pay any judgment entered against or settlement on behalf of the individual), to the extent permitted by law, the faculty member should a claim for discrimination, including but not limited to sexual harassment, or retaliation be brought against that faculty member, as well as precluding that non-ranked faculty member from being considered for or offered another faculty appointment at the College.

#### 2.9.3.1.4 Sanctions

Employees who engage in conduct in violation of this policy are acting outside the scope of their employment responsibilities and, in addition to discipline up to and including termination of their employment, may be subject to individual legal liability and damages for their actions.

#### 2.9.3.2 Amorous Relationships Policy

##### *Definition of Amorous Relationships*

Amorous relationships are those romantic or sexual relationships to which both parties appear to have freely consented. When such a relationship involves a power differential between two members of the College community, it is of concern to the College, and such relationships should be avoided due to:

1. The potential conflict of interest that arises when an individual supervises, evaluates, coordinates, directs, advises, hires, terminates, instructs, promotes, or grants pay raises or other benefits to another person, or provides professional services (e.g., counseling) to another individual with whom that person has an amorous relationship.
2. The potential for unintended consequences that results because these types of relationships may develop or exist solely as a result of the power differential, which may or may not involve sexual harassment as proscribed by the College's policy prohibiting sexual harassment (section 2.9.2.1).

#### 2.9.3.2.1 Policy

The College discourages amorous relationships where there is a power differential between the parties or where the potential exists for such a power differential in the foreseeable future. Three examples of relationships involving power differentials are:

1. That between teacher and student (including, e.g., those involved in formal instruction, advising and tutoring);
2. That between employee and supervisor;
3. That between the provider and recipient of educationally-related College or College-related services (including those involved in counseling, student services such as registration and financial aid, and athletic coaching).

This list is not all-inclusive.

Of special concern to the College are amorous relationships initiated between a faculty member and a student while the former is instructing, advising or mentoring the latter. Such circumstances pose extraordinary risks of compromising or appearing to compromise the College's central mission and of breaching the faculty's commitment to the welfare of its students. Hence, the College expects faculty members to refrain from initiating or participating in such a relationship.

#### 2.9.3.2.2 Procedures

If an amorous relationship exists or develops between individuals having a power differential within the College, the person with greater power shall report it to an appropriate supervisor or to the Director of Human Resources. The supervisor or the Director shall make suitable arrangements:

1. To ensure the objective evaluation of that person's performance and
2. To protect affected individuals and the integrity of the College's functioning.

Confidentiality is to be maintained in this process.

#### 2.9.3.2.3 Other Considerations

1. Employees engaged in conduct of the type described in this policy may also violate the College's policy prohibiting sexual harassment.
2. In addition, all teachers, supervisors, and other employees should understand that there are substantial risks even in consenting amorous relationships where a power differential exists. Even if the conflict of interest issues are resolved, charges of sexual harassment may develop. A teacher's or supervisor's protection under applicable law and representation by counsel retained by the College at the College's expense may not apply because such relationships may be outside the scope of one's employment. Furthermore, in administrative actions or lawsuits resulting from allegations of sexual harassment, consent may be very difficult to establish where a power differential exists. Even relationships in which there is not direct power differential may cause difficulties because faculty or staff engaged in such a relationship may, in the future, be placed in a position of responsibility for the student's or employee's instruction or evaluation.

#### 2.9.3.2.4 Sanctions

The procedures for investigating alleged violations of the College's Amorous Relationship Policy and the sanctions for violations of this policy are the same as the procedures and sanctions for violations of the College's Non-Discrimination (Sexual Harassment) and Retaliation Policies.



#### 2.9.3.3 Family Educational Rights and Privacy Act of 1974: Compliance

The Family Educational Rights and Privacy Act of 1974 grants all students 18 years or older significant rights of access to their educational records. This Act also protects the privacy of these records and requires the College to inform all students of the rights and safeguards given in the Act. Students who wish access to any written records directly concerning them shall submit their request to the Office of the Registrar, which is authorized to review each request and to approve requests that are proper. Faculty members do not have the right to release grades or other educational records to anyone other than appropriate College officials who have a legitimate educational interest in the information (e.g., an advisor, Dean, etc.); they may not give grades to parents or guardians if the student is a legal adult (18 years or older) without the student's prior written consent. The Act does not give any student the right to contest a grade given in a course, but the Act does give the student the right to seek to correct an improperly recorded grade.

#### 2.9.3.4 The Clery Act and Campus Sex Crimes Prevention Act Notices

Notification with regard to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998, and the Campus Sex Crimes Prevention Act.

As provided by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998, Saint Mary's College of California through its Department of Public Safety, annually provides notice and makes available copies of the Annual Security Report, to the campus community, prospective students, employees and the public. Each Security Report includes statistics for the past three years concerning crimes and incidents (whether they occurred on campus, in off-campus building and property owned or controlled by the College, or on public property adjacent to campus) reported to campus security authorities. Each Security Report also provides campus policies and practices concerning security – how to report sexual assaults and other crimes, crime prevention efforts, policies/laws governing alcohol and drugs, victims' assistance programs, student discipline, college resources, and other matters. The Security Report is publicly available electronically or hard copy in the following ways: electronically: <http://www.stmarys-ca.edu/about/safety/02report.pdf>; in person: Department of Public Safety, Administrative Office, Siena Hall; or, by Mail or Telephone Request: Department of Public Safety, P.O. Box 3111, Moraga, CA 94575-3111 (925) 631-4052.

In addition, as provided by the Campus Sex Crimes Prevention Act, the Contra Costa County Sheriff's Office maintains a Megan's Law database of sex crime offenders, which information may be obtained from the Sheriff's office located at 500 Court Street, Martinez, Monday-Friday, 9 am to 4 pm.

#### 2.9.3.5 Whistleblower Policy: Fraudulent or Dishonest Conduct

Saint Mary's College of California, reflecting its Lasallian and Catholic values, expects that its employees and students will act in a manner that is consistent with those values in their use of College resources and property. To protect the integrity of Saint Mary's learning community and to ensure the highest standards of conduct by and among members of that community, the College will investigate any possible fraudulent or dishonest use or misuse of College resources or property by faculty, staff, or students. Anyone found to have engaged in fraudulent or dishonest conduct is subject to disciplinary action by the College up to and

including dismissal or expulsion, and civil or criminal prosecution when warranted. All members of the College community are encouraged to report possible fraudulent or dishonest conduct. An employee should report his or her concerns to a supervisor, department chair or program director. If for any reason an employee finds it difficult to report his or her concern to a supervisor or department or program chair, the employee can report it directly to the area Vice President, Vice Provost or Dean of the faculty member's school. Students should report any concerns to the Director of Student Conduct. Those receiving reports of suspected fraudulent or dishonest conduct involving employees are required to report such conduct to the Director, Human Resources; in the case of students, those receiving such reports (e.g., the Associate Dean of Student Life) are required to report such conduct to the Vice Provost for Student Life.

### Definitions

Whistleblower: An employee or student who informs one or more of the individuals identified in the policy statement above about an activity that the employee or student believes to be fraudulent or dishonest.

Baseless Allegations: allegations made with reckless disregard for their truth or falsity. Individuals making such allegations may be subject to the appropriate College disciplinary action and/or legal claims by the individuals accused of such conduct.

Fraudulent or Dishonest Conduct: a deliberate act or failure to act with the intention of obtaining an unauthorized benefit. Examples of such conduct include, but are not limited to:

- forgery or alteration of documents;
- unauthorized alteration or manipulation of computer files;
- fraudulent financial reporting;
- pursuit of a benefit or advantage that would create a conflict of interest with one's responsibilities or obligations as a member of the College community;
- misappropriation or misuse of College resources, such as funds, supplies, or other assets or property;
- authorizing or receiving compensation for goods not received or services not performed;
- authorizing or receiving compensation for hours not worked.

#### 2.9.3.5.1

### WHISTLEBLOWER PROTECTIONS:

The College will use best efforts to protect whistleblowers against retaliation, as described below. The College cannot guarantee confidentiality, however, and there is no such thing as an "unofficial," "informal," or "off the record" report. The party to whom such conduct is reported, will keep the whistleblower's identity confidential, unless:

1. the whistleblower(s) agrees to be identified;
2. identification is necessary to allow the College or law enforcement officials to investigate or respond effectively to the report;
3. identification is required by law; or,
4. the individual accused of violations of this policy is entitled to the information as a matter of procedural and/or legal right in disciplinary actions.

College employees and students may not retaliate against a whistleblower with the intent or effect of adversely affecting the terms or conditions of employment or enrollment (including, but not limited to, threats of physical harm, loss of job, punitive work assignments, or impact on salary or wages, or the access to educational benefits).

Whistleblowers who believe they have been retaliated against may file a written complaint with the Director of Human Resources, if an employee is involved, or with the Dean of Student Life, if a student is involved. This protection from retaliation is not intended to prohibit the individuals identified above (for receiving such reports of improper conduct) from taking action, including disciplinary action, in the usual scope of their duties and responsibilities that are based on valid employment- or student-related factors.

Whistleblowers must be cautious to avoid baseless allegations (as described earlier in this policy).

## **2.10 FACULTY DEVELOPMENT**

### **2.10.1 SABBATICAL LEAVE**

#### **2.10.1.1 Definition**

The primary purpose of sabbatical leaves is to provide faculty an opportunity for intellectual enrichment and growth. Designed to enable faculty to pursue professional development more intensively than is normally possible, sabbatical leaves are an investment of the College in its academic future and reputation.

Sabbatical leaves may be awarded for various reasons related to scholarly growth, development, or renewal, including creative endeavors that promise to enhance the professional effectiveness of the applicant. Typical sabbatical undertakings include, but are not limited to, activity that enhances one's teaching and research pursuits, writing, work related to the visual and performing arts (creation or performance), post-terminal degree study, and travel abroad for the purpose of study or research. (See Scholarly Interests and Pursuits, section 2.6.1.)

The calendar parameters for traditional undergraduate and graduate sabbaticals shall be the regular academic year as determined by the undergraduate calendar. For faculty teaching on an academic calendar different from the traditional academic calendar, all efforts shall be made to provide the equivalent time free from service as that granted to traditional undergraduate faculty.

#### **2.10.1.2 Eligibility Criteria**

Sabbatical leaves are available to full-time, tenured faculty only after the conferral of tenure and normally after six years of full-time service at the College. For those tenure-track faculty who were in their first year of service during the 1997-1998 school year, or were hired subsequent to that year, and who were given years of credit towards tenure at the College for service at another institution, no more than two (2) of those years of credit may count toward years of eligibility for sabbatical. Tenure-track faculty with prior non-tenure-track, full-time service (7/7 or equivalent) at the College may count up to two (2) years of this service towards the service eligibility criteria for their first sabbatical.

After receiving tenure, faculty who are providing currently or have provided while on tenure track in the past less than full-time service to the College on a temporary basis, may consider each 7/7 (or equivalent) of accumulated service on tenure track as one year of service towards eligibility for sabbatical. Tenured faculty who are on the permanent Reduced Services Plan are not eligible for sabbatical leave. Faculty may count up to one year of leave time toward eligibility for each sabbatical.

Any applicant for sabbatical leave must have been granted tenure before the deadline for application for sabbatical. Further, if it is the first sabbatical at the College, prior to commencing the sabbatical leave (not prior to application) the applicant must have completed six years of full-time service, including credit consistent with the provisions in the preceding paragraphs. Provided that the applicant has already been granted tenure, service during the year of application counts toward eligibility. Application may be made for subsequent sabbaticals provided in each case that the applicant will have completed six additional years of full time service (or the equivalent) after returning from the preceding sabbatical and prior to commencing the next sabbatical. A faculty member awarded sabbatical leave must return to full-time status on the College faculty for at least one year after the expiration of the leave, or the salary paid during the leave will be forfeited and must be refunded.

#### 2.10.1.3

##### Review

Sabbatical awards are made to faculty upon the formal recommendation of the Chairs of the Undergraduate Educational Policies Committee (UEPC) and the Graduate and Professional Studies Educational Policies Committee (GPSEPC), representing the views of the members of those committees, and with the final approval of the Provost and the President. Full-time, tenured faculty submit their applications to the Dean for Faculty Development. Sabbatical leaves carry 4/7ths salary for the year or full salary for a half-year absence (includes January Term). Christian Brothers awarded a sabbatical should arrange an appropriate stipend with the President.

All proposals for sabbatical leave must be submitted to the Dean for Faculty Development (or directly to the Chairs of the UEPC and GEPC through the Office of the Academic Senate), and must contain specific information on the applicant's eligibility pursuant to the preceding criteria in section 2.10.1.2. The application must clearly define a) how the sabbatical will be spent; b) how it will promote the professional growth of the applicant; c) how it will benefit the College; d) how it will contribute to the applicant's discipline; and e), whether the sabbatical project will result in publication, seminar, lecture, meetings, readings, performances, etc. All proposals will include a current curriculum vitae. Faculty who are applying for a sabbatical which will occur in the year in which they will be considered for promotion should make timely arrangements for student Rank and Tenure evaluations, for incomplete files may delay the consideration of their promotion case by the Rank and Tenure Committee.

Although each application will be reviewed on its individual merits, the number granted in any year will be subject to available financial resources. Sabbatical leaves are not automatic after any stated period of service, but are awarded based on consideration of the merits of the proposal. The principal criterion in judging a request for sabbatical leave is the extent to which it is expected to enhance the professional development of the faculty member. The expected degree to which the results of the sabbatical leave will contribute to the life of the College and the applicant's discipline will also be considered.

Sabbatical Protocols and Timeline for Consideration

1. On or before August 15<sup>th</sup>, applicants will submit Form A or Form B (Sabbatical Eligibility) with the appropriate signatures to the Office of Academic Affairs to begin the official process of determining eligibility for sabbatical leave. Forms A, B and C (mentioned below) are available from the Office of Academic Affairs.
2. Upon verification of eligibility, applicants will submit their proposal to the Office of Academic Affairs. Sabbatical proposals from faculty whose eligibility for sabbatical leave has been verified will be forwarded to the Chairs of the UEPC and GEPC through the Office of the Academic Senate. In addition, candidates for sabbatical leave should submit a copy of the proposal to their department chair or program director on or before September 1 of the year preceding the academic year of the proposed sabbatical. The chair or program director upon receipt of the proposal, will forward to the Dean of the School a brief explanation of the staffing arrangements which will need to be made in the applicant's absence. (Normally, sabbatical faculty are either not replaced or are replaced with part-time faculty; the use of pro-rated or temporary full-time faculty must be approved in writing by the Provost.)
3. The Dean of the School will review the explanation of staffing arrangements, amend them in consultation with the chair/program director if necessary, and confirm the plan by forwarding it to the Office of Academic Affairs. In the event of multiple requests from any one department/program, it is the responsibility of the Department Chair or Program Director to explain how staffing arrangements will meet the needs of the curriculum when more than one faculty member is on sabbatical at the same time. Once the arrangements have received the Dean's approval, the Dean will forward each explanation of staffing arrangements to the Office of Academic Affairs on or before September 15 of the year preceding the academic year of the proposed leave. This information will not be distributed to UEPC or GPSEPC members nor considered by them in the deliberations concerning the merit of proposals.
4. After the deadline for applications has passed, the members of the UEPC and GPSEPC meet jointly to review and evaluate all proposals submitted to them after the verification process and rank them in order of merit, indicating as part of the ranking those that do not merit recommendations. The sets of rankings by the individual committee members will then be tallied and an overall ranking of each proposal arrived at. If the overall ranking of one or more proposals cannot be agreed upon by the committee member collectively, the Chairs of the UEPC and GPSEPC will resolve the contended rankings. When the Committees are in agreement on the rankings of all proposals, or the disagreement has been resolved by the Chairs, the proposals will be sent forward to the Provost by the Chairs.

If the total number of qualified proposals is fewer than the number currently approved for that year by the Board of Trustees, the Committees will forward these qualified proposals to the Provost without rankings. If the total number of qualified proposals is greater than the number currently approved, the Committees will forward the approved number without rankings, and will rank the remainder according to the tally previously taken. This group may be further divided into the following categories: a) strongly recommended (as extremely close to the original approved group); b) recommended (as qualified, though not as close in merit as the "strongly recommended" group). In either case, those proposals deemed not qualified will be ranked after the rest but identified to the Provost as "not recommended".

5. The Provost will review those sabbatical proposals deemed qualified by the Chairs of the UEPC and GPSEPC. This review will be with respect to (1) fiscal impact and (2) the overall quality of the group of advanced proposals. In the event that the Provost identifies problems pertaining to the overall quality of the proposals advanced by the Chairs of the UEPC and GPSEPC, the Provost will consult with them. Such consultation will aim at maintaining year-to-year, appropriate and consistent application of the standards for sabbaticals described in the *Faculty Handbook*.
6. Upon completing the review of the proposals, the Provost will forward the proposals, along with the comments regarding fiscal impact, to the President, who will render the final decision and notify each faculty member in writing, with copies to the Provost, Academic Dean, department chair or program director and the Chairs of the UEPC and GPSEPC. A faculty member whose sabbatical request is granted by the President must fill out Form C and submit it to the Office of Academic Affairs no later than March 1 of the academic year in which the sabbatical was granted in order to complete the acceptance and funding process.
7. Upon completion of sabbatical leave, the leave recipient shall submit a written statement to the appropriate Dean of the School and to the Provost within the first academic term after returning which shall describe the nature of the activity engaged in and the extent to which the proposed project was completed. During the academic year of the individual's return, the sabbatical leave recipient, in consultation with the Office of Faculty Development, will offer an appropriate presentation of the sabbatical research to the College community.
8. When sabbatical leave is not granted, the faculty member should be given the opportunity to know the reason for that decision. This information, if requested, will be provided in writing by joint letter of the Chairs of the UEPC and GPSEPC.
9. If a sabbatical leave is recommended by the Chairs of the UEPC and GPSEPC but not approved for funding because of departmental, programmatic, or School circumstances, if a sabbatical leave is funded but must be deferred for personal reasons, or if because of financial exigency there is a reduction in the number formally approved by the College for that year, the sabbatical leave applicant's services during the year(s) in which he/she might otherwise have been on sabbatical leave shall count toward the next six years of accumulated services toward eligibility for the next sabbatical leave.
10. Despite any accrued "credit for service" that results from a deferral (see #9 above), a faculty member must have completed one sabbatical leave before applying for the next sabbatical leave. Except for years of service covered under the deferral process described above, a faculty member who accumulates over time more than the six years of service required for sabbatical leave may not carry forward excess accumulated years of service credit toward a subsequent sabbatical.

#### 2.10.2

#### FACULTY DEVELOPMENT FUND AWARDS

The Faculty Development Fund provides awards to individual undergraduate and graduate faculty for activities related to scholarly professional development, e.g., scholarly research, participation in scholarly conferences or workshops, and attendance at conferences, courses, or workshops directly related to the improvement of teaching or development of new courses. All ranked faculty are eligible for funding (excluding professors emeriti). Faculty

on reduced services or sabbatical are eligible. Reasonable support is available for Adjunct Faculty (see section 2.2.5.2) in financing their faculty development activities so as to optimize their ability to compete in a national search.

The Faculty Development Fund Committee, whose members are the Director of Faculty Development (chairperson), and faculty representatives from each School, meets monthly (September through May) to consider applications for awards. Faculty should apply as early as possible prior to the date of the planned activity. More detailed information, guidelines, and applications are available in the Academic Affairs office and can be printed off the Faculty Development webpage (under Academics/Faculty).

### 2.10.3 OFFICE OF FACULTY DEVELOPMENT AND SCHOLARSHIP

The Faculty Development and Scholarship office provides professional development opportunities and support services to all Saint Mary's College faculty members as teachers and scholars, consistent with the mission of the College. In order to promote excellence in teaching, student learning, and scholarship, the program is carried out in a variety of ways, most typically through workshops on topics of teaching and learning, seminar-style reading/discussion groups, distribution of printed materials, dissemination of information about grants and fellowships and through individual consultation. The Director of Faculty Development provides leadership, acting as facilitator and "coach," in assisting individual faculty members to take full advantage of professional growth opportunities. Other functions of this office include designing and implementing faculty development programs and activities that support effective teaching and scholarship, developing and coordinating new faculty orientation and support activities, promoting among faculty a culture of shared inquiry, social justice, and diversity for purposes of educational effectiveness, and overseeing various student and faculty funding sources such as the Faculty Development Fund, the Student Research and Development Grants, and the Collaborative Student/Faculty Summer Research Awards. This office also assists in promoting competitive national student scholarships (e.g., Fulbright grants and Rhodes scholarships).

## 2.11 FACULTY WORKLOAD

### 2.11.1 WORKLOAD FOR RANKED FACULTY

In accepting a letter of intent or contract, each ranked faculty member agrees to the following rules regarding workload:

1. To devote their full-time and best efforts during the periods of their appointments to performing the specified duties in their letters of appointment and to carrying out other duties assigned to them in accordance with the applicable provisions of the *Faculty Handbook*.
2. Not to accept or engage in any other employment or activity, whether paid or unpaid, which in the judgment of the President in consultation with the Dean of the faculty member's School might interfere with the performance of such duties, without the prior written authorization of the President. All such authorizations are required for each term of appointment in which they are sought, and will be granted on an annual basis only. A copy of any such authorization must be forwarded to the Office of Academic Affairs. Faculty may engage in teaching, consulting or other paid activities outside the

College without the prior written authorization of the President as long as such activities do not exceed the equivalent of one eight (8) hour day each week while teaching.

3. The full-time teaching load for ranked faculty is set by the Board of Trustees. The faculty teaching load was last set by the Board in May 1990 at "21-22 units annually."
4. Ranked faculty are obligated to accept teaching assignments for which they are qualified, as assigned by the College.
5. Ranked faculty will post and hold a reasonable number of office hours to accommodate the schedules of students and advisees. These hours should be increased at peak times when advisees and other students are required to meet with faculty, e.g., preregistration, registration, drop/add, etc. Faculty teaching courses for which office hours are impractical must make themselves available for consultation with students to a reasonable extent through other appropriate means.
6. Ranked faculty are expected to attend departmental and committee meetings, general Academic Senate meetings, Commencement, and other special convocations.
7. Ranked faculty are also expected to assume various other duties related to their role as faculty. Such duties may include student advising, supervision of independent studies, service on School and College committees, instruction substitution for faculty colleagues, participation in student recruiting events, etc. If a faculty member, chair, or Dean perceives that the number of such duties in the aggregate is unreasonable, they should discuss this matter with the appropriate party to determine if an adjustment in the person's workload is warranted. In the case of instruction substitutions in excess of one week, following review and approval of the appropriate Dean and the Provost, substituting faculty will be compensated at a rate to be determined in prior consultation with the Human Resources office.

#### 2.11.2

#### WORKLOAD FOR NON TENURE-TRACK FACULTY

1. The non-teaching workload for Visiting Faculty will be proportional to the extent of their instructional duties, and otherwise similar to that of ranked faculty in section 2.11.1.(8), above
2. The non-teaching workload for Adjunct Faculty will be proportional to the extent of their instructional duties, and otherwise similar to that of the ranked faculty.
3. Lecturers will hold office hours or make themselves equivalently available to students through other means appropriate to the program, and will attend meetings as required by chairs or program directors.

#### 2.11.3

#### ACADEMIC ADVISING

Saint Mary's College recognizes that guidance and education are inseparable, and considers academic advising to be an extension of the teaching responsibilities of its faculty. Accordingly, all full-time faculty members are assigned a group of advisees. Faculty advisors are supported by the Office of Academic Advising and Achievement. Advisors are expected to make themselves available to these advisees on a regular basis and should familiarize themselves with the academic requirements of the College and its departments to assist students in formulating short- and long-term goals. All faculty are responsible for making



themselves available to offer advice to students in their classes. As a faculty advisor, a faculty member is responsible for academic program planning, referral of advisees to other sources of assistance when appropriate, and making contact with students in academic difficulty when receiving notification from the Office of Academic Advising and Achievement. The promotion and tenure process takes student advising into consideration.

#### 2.11.4 OFFICE HOURS

All faculty are required to hold regular office hours. Office hours should be posted and regular, and sufficient for the number of advisees assigned. These hours should be increased at peak times when advisees and other students are required to meet with faculty, e.g., preregistration, registration, drop/add, etc. Faculty teaching courses for which office hours are impractical must make themselves available for consultation with students to a reasonable extent through other appropriate means.

## 2.12 WORKPLACE CONDITIONS

### 2.12.1 DRUG-FREE WORKPLACE AND ALCOHOL USE POLICY

In accordance with applicable law, the College seeks to maintain a safe, healthy, and productive environment for its employees, students and others who may visit or work at the campus.

The use and abuse of alcohol and drugs pose a serious risk to the physical and emotional health of an individual and can negatively impact one's professional and private life, as well as the life of the College.

Potential health risks include, but are not limited to:

- Confusion, hallucinations, paranoia, deep depression
- Cardiac irregularities and hypertension
- Neurological damage
- Organ damage, including cirrhosis of the liver
- Increased cancer risk
- Malnutrition

Therefore, the purchase, possession, use, distribution, or manufacture of illegal drugs and the possession and use of unauthorized alcoholic beverages on College premises or as part of any College activity is prohibited. Authorized alcohol is that served at College-sponsored functions to persons age 21 or older; consumption of authorized alcoholic beverages is not permitted in any classroom building or within public areas of the College. For purposes of this policy, illegal drugs are drugs that cannot be obtained legally, as well as drugs that are legally obtained, but used for illegal purposes, or abused.

Local, state and federal laws establish severe penalties for unlawful possession or distribution of illicit drugs and unauthorized alcohol. Some examples of those laws are:

- Purchase, possession or consumption of alcohol by a person under age 21 is prohibited.

- Providing or selling alcohol to someone under age 21 or to any obviously, intoxicated person is prohibited.
- Except under authority of a California Alcoholic Beverage Control License, selling alcoholic beverages, either directly or indirectly, is prohibited.
- Purchase, possession or use of illegal drugs is prohibited.

If prescribed or non-prescribed drugs which the employee must take for reasons of health interfere with his/her job performance or endanger the safety of others, the employee must take a medical leave of absence, make other arrangements to be away from his or her position or request an accommodation in the work environment and/or the job until the condition improves. In the case of a request for accommodation, the College will require appropriate professional documentation regarding the employee's drug or alcohol related condition and will determine if the accommodation requested is reasonable under the circumstances presented.

Whenever a violation of this policy or whenever the use of any drug, including alcohol, adversely affects the employee's job performance, with reasonable accommodation, or the job performance or safety of others, the College will take disciplinary or other corrective measures including termination and possible referral for criminal prosecution.

If faculty members are concerned about their life and health relative to alcohol and/or drug use, they are urged to contact the College's Employee Assistance Program (EAP) at 1-888-492-9355 (see section 2.14.13). The EAP assures all employees of confidential counseling for drug and alcohol problems, as well as for stress, marriage, children, emotional and relationship problems.

## 2.12.2 POLICY ON SMOKING IN CAMPUS FACILITIES

Saint Mary's College is committed to providing a healthy, comfortable, and productive environment for students, faculty, and staff. To this end, smoking is prohibited inside all College facilities and vehicles, owned or leased, regardless of location. Smoking is not permitted in any enclosed place, including private residential housing space. Smoking shall occur only at a reasonable distance (e.g. 20 feet or more) outside any College building or enclosed area to insure that secondhand smoke does not enter the area through entrances, windows, ventilation systems, or any other means.

## 2.12.3 OBSERVANCE OF CAMPUS REGULATIONS

Faculty members are urged to discourage infractions of campus regulations by students and visitors. Violators should be informed or reminded that they are breaking College rules. Instructors are referred to the Saint Mary's College *Student Handbook* for information concerning College regulations, their mode of enforcement, and the manner in which penalties are imposed. Serious student infractions should be reported to the Vice Provost for Student Life. Problems with visitors are reported to the Director of Public Safety.

## 2.12.4 ASSIGNMENT OF OFFICES

Assignment of offices to the faculty is done by the Deans of the Schools. Questions concerning this matter should be addressed to them.

## 2.12.5 PHOTOCOPIER AND DUPLICATING EQUIPMENT FOR FACULTY USE

Use of photocopier and duplicating equipment is restricted to instructors and staff. Use by students is permitted only by arrangement with an instructor or staff member and must be for the purpose of copying material related to the instructor's curricular needs or the staff member's requirements.

## 2.12.6 OFFICE SUPPLIES

College letterhead, stationery, office supplies and other materials are available from the School secretaries and/or administrative assistants. Any major supply items must be ordered on a Purchase Order (available in the Office of the Dean of the School) signed by the department chairperson.

## 2.12.7 LACTATION ACCOMMODATION

The College will make reasonable efforts to provide an opportunity and a private place (other than a restroom) that is close to the faculty member's office and/or classroom to pump breast milk. The opportunity to invoke this accommodation must, if possible, run concurrently with any non-class time opportunity already available to the faculty member while on the Moraga campus or at an off site classroom and/or office location used by the faculty member in connection with the performance of her professional obligations to the College. When no private place is available close to the faculty member's office or classroom, she may pump milk in her office or classroom, so long as she can do so with privacy.

# 2.13 LEAVES

## 2.13.1 LEAVES WITH PAY

For detailed information regarding specific leaves of absence, contact the Human Resources office. For sabbatical leave, see 2.10.1.

### 2.13.1.1 Sick Leave (Short-term Disability Income Benefits)

For faculty, accumulation of paid sick leave is at the rate of four (4) weeks for each year of full-time employment up to a maximum of twelve (12) weeks, at which time long-term disability income benefits commence, if applicable. Sick leave is normally coordinated with State Disability Insurance to assure that one remains at 100% of normal earnings as long as possible.

The Human Resources office must be notified as soon as possible of any sick leave, pregnancy disability, other disability, or of the need for Family and Medical Leave (in writing when possible) as soon as the faculty member is aware of the need for such leave. In non-emergency situations, the employee must provide no less than thirty (30) days written notice to the Human Resources Office. For details of the policy, contact the Human Resources office.

### 2.13.1.2 Jury Duty

The College recognizes jury duty as a civic obligation and will excuse all summoned employees from work for jury duty with pay for a period not exceeding four full work weeks

in a calendar year. If the jury duty exceeds four full work weeks, the employee may take unpaid leave unless the employee has worked for any part of the work week, in which case the leave will be paid leave. The employee may retain any jury fees.

## 2.13.2 LEAVES WITHOUT PAY

There are three categories of leave without pay: leaves based on family and medical circumstances and governed by law, personal leaves that are not legally mandated, and scholarly leaves.

### 2.13.2.1 Family and Medical Leave Act of 1993/California Family Rights Act

The Family and Medical Leave Act of 1993 and the California Family Rights Act entitle a faculty member who has been employed at least one full calendar year and has worked 1,250 hours during the preceding 12 months to take up to 12 weeks unpaid leave with the right to return to the same or comparable position. Leaves will be granted to accommodate the needs of a faculty member due to the birth, adoption, or foster care placement of a child within 12 months of the child's birth or placement; to care for a spouse, dependent child or parent with a serious health condition; or because of a serious health condition of the faculty member. Serious health condition is defined as a condition requiring hospitalization, the ongoing care of a licensed treatment provider, or the absence of three days or more and the care of a licensed treatment provider. During this time, the faculty member can be required to use his/her unused sick leave and the College will continue its contribution to the faculty member's health insurance premium. Medical or pregnancy leaves generally include the right to return to the same or comparable position.

The above protected leaves may be accompanied by an interruption of the probationary tenure period for tenure-track faculty. See 2.2.2.2.

Procedure for Granting Leave: Eligible faculty members must apply for leave by completing the "Request for Leave" form and, in the event of a serious illness of the faculty member or immediate family member, the "Certification of Health Care Provider" form at least thirty (30) days prior to the leave or as soon as foreseeable. Both forms are available in Human Resources.

Upon approval of a leave the College will confirm the date of the faculty member's return. Any request for an extension of an approved leave must be submitted in writing to Human Resources at least one (1) week prior to the expiration of the current leave with a copy going to the Provost. Failure to return on the agreed date will be considered a voluntary resignation of the faculty member's appointment and, where applicable, tenure.

A written verification of the faculty member's ability to resume normal duties is required from the health care provider prior to the employee's return. Any accommodations or restrictions upon return from leave must be detailed and in writing.

The above Protected Leaves may be accompanied by an interruption of the probationary tenure period for tenure track faculty. See 2.6.2.1.2

### 2.13.2.2 Personal Leave of Absence

For those leaves of absence that are not legally mandated, full-time faculty may obtain a personal leave of absence with the consent of the department chairperson, recommendation

of the Dean of the School and approval of the Provost and the President. A personal leave of absence is granted, upon request, for an academic term or year and can be formally renewed up to a maximum of an additional academic year. Under extraordinary circumstances, the President may extend the leave of absence for an additional period of time. Benefits such as medical, dental, vision, life and long-term disability are not due during a personal leave of absence; however, the faculty member may continue any or all of these benefits during any such leave that is not covered by the Family and Medical Leave Act of 1993, on the condition that he/she pays the entire premium. A faculty member on a personal leave of absence must notify the Dean of the School and the Provost by April 1 or within 30 days of receipt of contract, whichever is later, of his/her intention to return or not to return at the beginning of the next academic year. However, faculty members are strongly urged to so notify by March 1.

#### 2.13.2.3 Scholarly Leave of Absence

Tenure and tenure-track faculty shall be eligible to apply for a one-term Scholarly Leave of Absence, not to exceed one semester every four years, to pursue a scholarly or creative project, as recommended by the Dean and approved by the President. For the relation between Scholarly Leave of Absence and the probationary tenure-track period at the College, see section 2.6.2.1.3. In addition, tenured faculty while on a scholarly leave retain faculty status and privilege, including eligibility for sabbatical leave. Faculty on Scholarly Leave shall receive a pro-rata salary as well as pro-rata life and long-term disability benefits but shall retain full medical, dental, and vision benefits. Applications for Scholarly Leave must normally be made to the Chair of the faculty member's department no later than the end of the first week of the academic term (i.e. long semester or quarter, as applicable) before that in which the leave is to be taken. Requests for Scholarly Leave may be granted by the President who shall consider the following factors: 1) the faculty member has presented a clear and substantive plan for the use of the leave which has been found meritorious by the Dean of the applicant's school and by the Provost. 2) the faculty member's absence will not unduly harm the ability of the home Department to offer its curriculum, the judgment to be made by the Dean of the applicant's school in consultation with the Chair of the faculty member's department. 3) without the prior written approval of the President, the faculty member will not accept new income, related or unrelated, to completion of the scholarly or creative project. 4) the faculty member must return to full time status (7/7) for at least one year after the expiration of the leave, or the faculty member must reimburse the College's cost of the medical, dental and vision benefits received during the leave.

### 2.14 **BENEFITS**

The Director of Human Resources is responsible for all benefits, policies and programs and for communicating these through available booklets, orientation, enrollment, and forms. This office also provides claims, accounting and related details. Coverage is automatic only for benefits required by law (Social Security, Workers' Compensation, State Unemployment and State Disability). Each faculty member is personally responsible for enrolling in a timely fashion in all other benefit programs listed below.

#### 2.14.1 **MANDATORY BENEFITS**

All faculty members are covered by law by Social Security, Workers' Compensation, State Disability and State Unemployment Insurance.

#### 2.14.2 LONG-TERM DISABILITY INCOME BENEFITS

All ranked faculty and Adjunct Faculty teaching 6 or more courses per academic year on an annual basis are covered by long-term disability insurance. Coverage begins on the first day of the month following 30 days of employment. The full cost of this coverage is paid by the College. Under the plan, 60% of annual salary to a maximum of \$8,000 per month is payable to an employee who is unable to perform the duties of his/her job, as determined by a physician. After a 90-day elimination period, the Human Resources office will process a claim for benefits under the policy. Lecturers are not eligible for coverage regardless of the number of courses, units, or workshops they teach per academic year.

#### 2.14.3 HEALTHCARE

The College provides comprehensive benefits for full-time ranked and adjunct faculty (those teaching 6 or more courses per academic year) which allows the individual to choose the appropriate programs and levels of coverage under the available health, dental and vision plans. Adjunct faculty teaching 5 courses receive a prorated benefit of 71.4% of the College's share. Any premiums above the College's share are deducted on a pre-tax basis from the faculty member's regular paycheck. Lecturers are not eligible for coverage regardless of the number of courses or units they teach per academic year.

Faculty may choose between the programs listed below:

##### Health Insurance:

Anthem Blue Cross Health Maintenance Organization (HMO and High Deductible)  
Kaiser Health Maintenance Organization (HMO and High Deductible)

##### Dental Insurance:

Delta Dental  
PMI DeltaCare  
Safeguard Dental

##### Vision Insurance:

Vision Service Program  
Safeguard Vision

Coverage for any of these programs begins the first day of the month following 30 days of employment. Applications are required and can be obtained from the Human Resource office.

#### 2.14.4 GROUP TERM LIFE INSURANCE

All ranked faculty and Adjunct Faculty teaching 6 or more courses per academic year are covered by group term life insurance. Coverage begins on the first day of the month following 30 days of employment. Benefits are computed at one times the employee's salary, to a maximum of \$150,000. At age 70, benefits are reduced to 65% of the salary, and, at age 75, amounts are reduced to 50% of the salary. The full cost of coverage is paid by the College. Eligible employees may also purchase optional additional amounts of life insurance at group rates determined by the carrier. Lecturers are not eligible for coverage regardless of the number of courses, units, or workshops they teach per academic year.

#### 2.14.5 ACCIDENTAL DEATH AND DISMEMBERMENT/TRAVEL ASSISTANCE

All ranked faculty and Adjunct Faculty teaching 6 or more courses per academic year are eligible to participate until age 70. In cases of accidental death or dismemberment, benefits will be payable based on a schedule in addition to term life insurance benefits. Employees who are eligible for full-time benefits are also eligible for travel assistance when traveling, whether for business or pleasure. The cost of both the accidental death and dismemberment and the travel assistance plan are paid by the College. Lecturers are not eligible for coverage regardless of the number of courses, units, or workshops they teach per academic year.

#### 2.14.6 WORKERS' COMPENSATION

All employees are covered by Workers' Compensation Insurance which is paid for by the College for work-related injuries or illnesses, as required by law. The coverage is effective on the first day of employment and is automatic. Benefits include payment of all approved medical expenses related to an accident or illness, as well as weekly benefits. Claims must be filed with the Human Resources office immediately after sustaining an injury or illness, and the faculty member will be directed to the appropriate medical treatment center.

#### 2.14.7 RETIREMENT

1. Social Security/Medicare. All employees are covered by law and have a Social Security deduction made from their pay which is matched by the College. The amount deducted is paid into a Social Security account for each employee. Social Security provides retirement benefits and disability and survivorship plans.
2. TIAA/CREF Retirement Plan. All faculty with the rank of Instructor, Assistant Professor, Associate Professor, or Professor are eligible to participate in the TIAA/CREF retirement program after the completion of one year of service at Saint Mary's College or one academic year of prior full-time service with an institution of higher education, or already own TIAA/CREF contracts and have attained age 21. The College contribution is equal to 3% of the employee's monthly earnings, whether or not the employee contributes to the program. A tax-deferred option is available for faculty who wish to reduce their taxable income up to limits established by the Internal Revenue Service. Voluntary additional contributions are placed either in regular or group Supplemental Retirement contracts and are made on a tax-deferred basis. Supplemental Annuity contracts allow a loan provision and lump sum distributions at termination.
3. Full- and part-time faculty may contribute to the TIAA/CREF program at any time. Although the College permits the voluntary selection of alternative carriers for employee contributions, it will not contribute to any carrier other than TIAA or CREF.
4. Emeriti Retirement Health Solutions (Emeriti)

The Emeriti Retiree Health Plan for Saint Mary's College of California is designed to help eligible employees pay for medical expenses after employment with College ends, beginning at age 55, in a tax-advantaged manner. It is also designed to provide eligible retirees with access to affordable nation-wide health insurance coverage beginning at age 65 throughout retirement. This new program is being offered by the College through Emeriti Retiree Health Solutions (Emeriti), a collaborative arrangement of more than 40 institutions of higher education.

- a) **Contributions:** Under the program, the College contributes a flat dollar amount to an Employer Contribution Account for each benefits-eligible employee age 40 and older for up to a maximum of 25 years. For Academic Year 2007-2008, that amount is \$55 per semi-monthly pay period, which annualized is \$1,320 per year. Employees age 21 and older can also make after-tax contributions of any amount to an Employee After-Tax Contribution Account, as part of planning for medical costs in retirement. Employee contributions are immediately vested and contributions by the College are vested after five (5) years of continuous service. Employees can direct the investment in both accounts (the “Health Accounts”) through the plan's administrator Fidelity Investments.
- b) **Benefits Available in Retirement:** Upon retirement (defined as age 55 or older and 5 years or more of continuous service), the Health Accounts can be used to reimburse eligible medical expenses, including the cost of medical, dental, vision and long term care insurance premiums. Emeriti also provides access to a nation-wide health insurance plan with choice of coverage level and at group rates to Medicare-eligible employees at age 65, as well as to eligible dependents through Aetna. A participating employee who ceases employment prior to achieving five (5) years continuous service may still use, if he/she has made contributions to, an Employee After-Tax Contribution Account to receive uninsured reimbursement benefits upon attaining age 55.
- c) **Eligibility:** A Benefits-eligible employee hired on or after July 1, 2007 will become a participant in the Emeriti Retiree Health Plan on the date he or she first makes a contribution to an Employee After-Tax Contribution Account (on or after age 21) or on the date the College first makes a contribution to the employee's Employer Contribution Account (on or after age 40). Benefits-eligible employees hired prior to July 1, 2007 had a one-time option to enroll in the new Retirement Health Program (Emeriti) in lieu of the College's previous retirement health program described below, if eligible for the benefit at the time of retirement. Those benefits-eligible employees who did not affirmatively enroll in the new Retirement Health Program (Emeriti) by June 29, 2007 will not be able to enroll in Emeriti in the future.
- d) **For More Information:** This is a brief summary of the Emeriti Retiree Health Plan. The Summary Plan Description (SPD) provides a more detailed description of the plan and you may request a copy from the Human Resources Department. The HR department has other information on this Plan, plus general information about Emeriti is available at [www.emeritihealth.org/emeritihealth.htm](http://www.emeritihealth.org/emeritihealth.htm) This Handbook, the various websites and brochures and the SPD are only to provide you with general information about the Emeriti Retiree Health Plan; in the event of a conflict between the Handbook, the SPD or other descriptive sources and the Plan document, the Plan document will control.

##### 5. Five Year Retirement Medical Benefit:

If not enrolled in the Emeriti Retirement Health Solutions program (Emeriti), employees hired prior to July 1, 2007 may be eligible receive limited health and dental benefits for up to five (5) years after full retirement at the same premium rates as similarly-situated active employees. Employees hired or re-hired on or after July 1, 2007 are automatically enrolled in the Emeriti program and are not eligible for the Five Year Retirement Medical Benefit.



- a) **Eligibility:** To be eligible for the Retirement Medical Benefit, the employee at time employment ends must be at least 55 years of age, have completed 15 years of service, and be covered under the College's health and dental programs at the time of retirement.
- b) **Benefit:** For eligible employees and their spouses, the College will continue to pay the current applicable active employee premium (which changes each year) for up to five (5) years. Once a retiree attains age 65, he/she will be required to enroll in a Medicare Supplement Program, and any premium charges above the allotted active employee rates shall be paid by the retiree. Dental coverage also ends at age 65.

Applications and other appropriate forms for these programs are available from the Human Resources office and must be completed before any contributions from either the employer or the employee can begin.

## 2.14.8 TUITION WAIVER AND EXCHANGE PROGRAMS

### 2.14.8.1 Tuition Waiver Program

Full tuition remission for attendance at any and all Saint Mary's College's undergraduate programs (specifically excluding doctoral programs and courses offered in inter-institutional or contract programs) is granted to sons and daughters (who have met the qualifications for admission) of full-time faculty who have completed one academic year of full-time employment and are currently employed, and to the nieces and nephews of Christian Brothers (i.e., children of their brothers or sisters who have met the qualifications for admission) currently assigned to and employed by the College.

To be considered eligible for a tuition remission, a son or daughter must be a dependent for tax purposes, must have enrolled before attaining age 21, and must meet the normal admission requirements of the College and of the academic program for which application is made.

Current full-time faculty and their spouses, after completion of one academic year of employment, are eligible for a 100% tuition allowance for a maximum of one course per semester, quarter, or term.

### 2.14.8.2 Tuition Exchange Program

The Tuition Exchange Program provides a national scholarship exchange program for dependents of eligible employees with over 550 participating institutions throughout the United States and the United Kingdom. Approximately 3,000 students receive scholarships annually.

Eligible Employees: All full-time ranked and adjunct faculty with dependent children (as defined by the IRS) under the age of 25, currently teaching six (6) or more courses per academic year, and who have completed one (1) year of employment, are eligible to apply for scholarships

Application for the Tuition Exchange Program does not guarantee acceptance to a member institution. All students must seek admission to the partner institution and meet any

applicable admission requirements. For further detailed information and the official policy contact Human Resources.

#### 2.14.8.3

##### Reimbursement Accounts

Faculty who teach four or more courses per academic year (paid over 24 pay periods per year) are eligible to take advantage of the health and/or dependent care reimbursement accounts. Open enrollment for these accounts occurs in December for a calendar year effective date. Enrollment in these programs are not automatic and must be recalculated annually.

Employees estimate each year the predictable expenses that may be incurred and not covered by their medical, dental and/or vision insurance. These amounts are reduced from the regular paycheck on a semi-monthly pre-tax basis. Once the expenses are incurred, a claim form is submitted and reimbursement occurs. For additional information and legal definitions, contact the Human Resources office.

#### 2.14.9

##### MISCELLANEOUS

Safety Program: It is the policy of the College to have a safe and healthy workplace. Employees are expected to adhere to all safety rules, follow established safe work practice and exercise caution in all work activities.

College employees ordinarily are offered attendance to academic, cultural and artistic events, student-sponsored events and athletic events on campus; attendance is either free or at reduced prices. Normally faculty or staff I.D.'s are needed for most campus events.

Lunchrooms are available for all staff and faculty. Sodexho offers the purchase of "Flex Dollars" to use in any of the eating establishments on campus at a discount.

Moraga School District Attendance Policy: A pupil whose parent or legal guardian is employed within the boundaries of the Moraga School District is considered to have complied with residency requirements (AB 2071). Admission to Moraga schools, however, is based on a review of space availability, student's citizenship record, additional services required by the student, and any other factors affecting the interest of the student or the District.

Certain organizations outside the College offer benefits to College employees. The Bookstore offers staff discounts. Metro 1 Credit Union offers personalized banking services. A Bank of America ATM is located in Ferroggiaro Hall for cash withdrawals. Some amusement parks and local merchants offer discounts to College employees.

#### 2.14.10

##### EMPLOYEE ASSISTANCE PROGRAM

The Employee Assistance Program (EAP) is a free, confidential referral and counseling service for full-time employees, retirees, and their family members designed to help balance the challenges of home, work, and contemporary life. EAP specialists can help with marital and relationship counseling, education planning, child and elder care, alcohol and drug abuse, emotional stress, legal assistance, and debt management. To access the EAP services, call 1-888-492-9355.

## 2.14.11 USE OF FACILITIES/DISCOUNTS

### 2.14.11.1 Athletic Facilities

Faculty and staff members may use designated athletic facilities. Contact the Assistant Director for Athletics and Recreational Sports for hours of availability and further information.

### 2.14.11.2 Dining Facilities and Lounges

During the academic year, the Roncalli dining room is available for faculty to purchase lunch. Faculty are welcome to eat this purchased food, or lunch brought from home, in the Roncalli dining room or the Faculty/Staff Lounge. The latter is located at the end of the hall behind Roncalli. Tea and coffee service are available in the lounge, as well as a microwave oven and refrigerator. Informal gatherings may be held here, but the room cannot be reserved for any one particular group.

Faculty may also purchase meals in Oliver Dining Hall (the student dining room), in Café Louis, or in the Food Court. The Oliver Dining Hall provides a large assortment of items for one price at the door, and Café Louis and the Food Court offer selections on an a la carte basis. During the January term, holidays, and summer months, these facilities are available on a limited basis. Modified hours of operation are posted at the site, as well as included in *SMC Online Magazine*.

Faculty may purchase a meal plan from Sodexo. The plan is in the form of “flex dollars”, may be used at any one of the above-listed facilities, and is good for the academic year. The benefit to the faculty for buying the meal plan from the College is the exemption from sales tax. The plan can be purchased in increments of \$50.00.

Hagerty Lounge, located on the first floor of De La Salle Hall, is furnished with round dining tables and chairs, and has a complete kitchen, including dishware and utensils, which may be used by groups wishing to hold functions which involve their own food preparation and service.

### 2.14.11.3 Bookstore

The Bookstore, located in the Ferroggiaro Center, is operated by Barnes and Noble College Bookstores Inc., and offers faculty and staff members a 10% discount on all purchases except for film, food, magazines, and sundries, and items which are already on sale. Faculty are asked to show their identification card before sales are rung in the register.

The Bookstore accepts special orders for books from faculty and staff. Faculty are urged to write to the publisher for personal desk copies of textbooks. The Bookstore can help by supplying toll-free phone numbers.

### 2.14.11.4 Ticket Discounts

Faculty and staff members are admitted without charge to most athletic events. Faculty and staff members need only show their Saint Mary's identification card for free admission to home baseball games. For home basketball games, staff and faculty must pick up tickets 24 hours prior to game time from the ticket office. Faculty and staff are allowed one free ticket per basketball game.

#### 2.14.12 PARKING

Faculty automobiles which are parked on campus must display a current faculty parking sticker, which must be obtained from the Public Safety department. Parking violations are subject to fines. Failure to pay fines will be cause for the owner's vehicle to be booted or towed. Parking violations in fire lanes and zones for handicapped are subject to municipal laws as well as towing charges.

#### 2.14.13 VOLUNTARY PROGRAMS

Pre-paid Legal Services provides confidential access to legal services through a selected and monitored legal service network. Services include unlimited telephone consultations, letter and phone calls on your behalf, review of documents, representation for moving traffic violations, IRS audits, trial defense services and access to an attorney 24 hours a day 7 days a week in the event either you or a family member is arrested or detained.

United States Savings Bonds may be purchased by payroll deduction. The interest earned on these bonds is exempt from state and federal income tax and is deferred until they are cashed. The interest accrues monthly and compounds semiannually and can be cashed in after six months.

Liberty Mutual offers employees of Saint Mary's College discounted homeowners and automobile insurance at competitive rates.

UNUM/Provident Insurance Company offers participation in voluntary Critical Illness and Interest Sensitive Life Insurance programs. Enrollment in these programs is offered annually, during the open enrollment period with no medical verification or certification required.

Voluntary Life Insurance is provided by Sunlife of Canada for those wishing to exceed the College's benefit. Employees may apply for additional life insurance amounts for themselves, spouse and children at competitive prices and with the ability to convert these amounts to individual coverage at a later date.

### 2.15 FACULTY SALARY POLICY

Saint Mary's College values highly the contributions of its faculty in pursuing excellence in Lasallian, Catholic and liberal education. The College recognizes that it must attract and retain outstanding faculty who are committed to the College's mission and to their own person and professional growth. Thus, the College is committed to paying competitive salaries according to the following guidelines:

#### *Salary Goals:*

1. The average of salaries by rank should minimally be the average salaries by rank of Pacific States IIA institutions, as defined and published yearly in Academe, The Chronicle of Higher Education, and on Web sites.
2. To maintain competitive salaries, the budget process should also consider a smaller cohort of comparable institutions: the other schools in the WCC and Manhattan College. Many of these institutions have professional schools, which pay significantly higher salaries, particularly in the ranks of associate and full professor. In light of this, the College should aim for the median of the assistant professor salary scale at Saint

Mary's to be at the median of assistant rank average salaries at these cohort institutions, as available yearly in the sources noted above.

3. The College should aim for a salary structure that is equitable across ranks, with particular attention given to the competitiveness at the assistant professor level. The salary structure should have a range of salaries, from assistant through full professor, consistent with the Pacific States IIA.

#### *Salary Administration*

1. The change each year in the faculty salary budget (the "pool") will be a permanent part of the overall budget discussions of the College. Therefore, the change should recognize the current and forecasted financial situation of the College, which may require temporary deviation from the goal.
2. The College recognizes that data on comparable salaries are only available with a 1 to 2 year lag. Thus, determining whether the goal has been achieved each year is not possible. Because of this, once the minimum goal has been achieved, the minimal targeted change in the average of the assistant professor scale should be the geometric average change over the past five years in the Pacific States IIA.
3. Should the result of the process above deviate over time (either above or below) from goal salaries, adjustments shall be made to return to the goal as quickly as feasible, as recommended by the Task Force described below.
4. Once the size of the budget for faculty salaries is determined, the proposed distribution across ranks and scale will be determined by consultation among the Faculty Welfare Committee, the Vice President for Finance, the Provost, and the Chair of the Academic Senate, with the assistance of the Finance Director/Controller.
5. Every three years (beginning in 2004-2005), a Task Force composed of three members of the Faculty Welfare Committee, along with the individuals in (5) above, the Director of Human Resources, and the Dean for Faculty Development, shall review the implementation of the policy. The policy will be reviewed to insure fair and consistent implementation according to the above goals and procedures based on trends in actual vs. goal salaries over time, rather than on annual achievement of a specific salary level. The results of the review will be reported to the President and to the Academic Senate.
6. The Faculty Welfare Committee each year shall provide to the College community a comparison of current Saint Mary's faculty salaries with the goal salaries as listed above.

Note: The faculty salary goals and administration policies were adopted by the Board of Trustees on May 24, 2002 and amended as stated above on May 20, 2005.

#### 2.15.1

#### SALARY SCALES FOR RANKED AND ADJUNCT FACULTY

##### *Full-time Faculty Salary Scale*

The annual salary scale matrix designates a salary scale I for those faculty without the terminal degree (normally, the doctorate), and a scale II for faculty who possess the earned terminal degree (normally, the doctorate). The vertical steps each represent one year of credited experience.

When a member of the faculty has completed all requirements for the doctorate and has been officially notified by the conferring university, he/she shall present such documents to the Dean of the School and shall move from I to II in the salary scale with the commencement of the contract period or February 1, whichever date is nearest in time.

Initial placement on the full-time faculty salary scale is determined by the Provost in consultation with the Dean of the School and chairperson of the department, as appropriate. Initial placement on the Lecturer scale is determined by the Dean of the appropriate School.

All full-time faculty salaries are paid over a 12-month period in 24 equal semi-monthly payments. All part-time salaries are paid over an applicable period determined by the Dean of the School and the Director of Human Resources. Lecturers ordinarily carry a course load of from one to four courses, have only the additional duties specified in 2.11.2 (3.), and are placed on the Lecturer salary scale.

A scale increase for each step is given per year as for full-time salaries, with Trustee approval. Lecturers are advanced from I to II with certification of earned terminal degree (normally, the doctorate), as with full-time faculty, and are advanced by step after completion of seven courses at Saint Mary's College. Advancement is made with the commencement of the contract period or February 1.

Adjunct faculty are assigned five courses or more with additional duties proportional to the extent of their instructional duties, and otherwise similar to that of the ranked faculty [see 2.11.2 (2.)] at the discretion of the College. Such faculty receive a salary based upon the full-time salary scale.

SAINT MARY'S COLLEGE  
FULL-TIME FACULTY SALARY SCALE  
2010-2011

Step	Instructor		Assistant		Associate		Professor
	I	II	I	II	I	II	
1	50,377	53,286	55,049	58,227	66,369	70,193	85,411
2	51,889	54,844	56,700	59,974	68,360	72,299	88,004
3	53,445	56,531	58,401	61,766	70,411	74,467	90,645
4			60,153	63,619	72,523	76,702	93,364
5			61,958	65,527	74,699	79,003	96,165
6			63,816	67,493	76,940	81,373	99,050
7							102,021
PRE 1989							104,572

2.15.2 FOR LECTURER POLICY AND SCALE, SEE DEAN OF APPROPRIATE SCHOOL OR OFFICE OF HUMAN RESOURCES.

## **2.16 GRIEVANCE**

### **2.16.1 INTRODUCTION**

1. The grievance procedure provides an individual with faculty status a procedure by which to have his/her grievance heard in a fair, predictable manner which permits the participation of his/her colleagues. The goal of the procedure is to effect the timely and equitable settlement of the grievance.
2. The grievance procedure is used to settle disputes between faculty members and other faculty members or between faculty members and academic administrators. The following are grievable issues:
  - a. alleged inadequate consideration and/or alleged violations of academic freedom by the Rank and Tenure Committee, the Provost, or the President in tenure and promotion recommendations and/or decisions (see section 2.16.3);
  - b. alleged inadequate consideration and/or alleged violations of academic freedom in reappointment recommendations and/or decisions not involving the Rank and Tenure Committee (see section 2.16.4);
  - c. all other grievances not involving the rank and tenure review process which allege errors in policies, errors in carrying out policies or procedures, or violations of academic freedom (see section 2.16.4);
  - d. alleged violations of equal employment opportunity policies. (Cases of alleged harassment (other than sexual) or discrimination on the basis of race, color, religion, national origin, ancestry, marital status, gender, sexual orientation, age (40 years or older), medical condition, or physical or mental disability are dealt with under section 2.16.5.)

### **2.16.2 PROCEDURES THAT APPLY TO ALL GRIEVANCES**

1. Grievances must be initiated in writing within twenty (20) school days of the alleged offense. For a definition of "school days" see section 2.16.2.9.
  - a. Grievances where neither the Provost nor the President is a party in the grievance are initiated in the Office of the Provost.
  - b. Grievances where the Provost is a party in the grievance are initiated in the Office of the President.
  - c. Grievances where the President is a party in the grievance are initiated in the Office of the President.
  - d. Grievances involving equal employment opportunity and/or the College's non-discrimination policies are initiated with the Director of Human Resources, who also serves as the College's Equal Employment Opportunity Compliance Committee chairperson (see section 2.16.5). Complaints involving allegations of sexual harassment are reported to and investigated by the Director of Human Resources (see section 2.9.2.1.)
2. The Provost or the President can designate another individual to receive grievances or to act in his/her place in discharging any responsibilities assigned to either of these parties under these procedures.

3. The faculty member initiating the grievance is responsible for presenting a clear, coherent, well-documented, well-argued case to the Committee. The Committee does not formulate the case for the grieving faculty member.
4. When filing a written grievance, the faculty member initiating the grievance must cite the *Faculty Handbook* section number under which he/she is grieving.
5. Whenever a faculty member is participating in the grievance process he/she may be accompanied or represented by one of his/her colleagues who serves without prejudice or fear of reprisal.
6. When required, written notification must be received by the school day indicated in the grievance procedure. Notification will be made by certified mail. All parties are responsible for providing accurate information to either the President or the Provost as to how they may be reached.
7. When deadlines are identified in the grievance procedure, the parties have until 3:00pm on the designated school day to complete the required activity.
8. If all parties to the grievance believe their time could be profitably extended beyond a time limit outlined in the grievance procedure, they can agree to an extension by defining it in writing before the original time limit elapses. Extension should be for no more than double the original time allocated for the activity, unless extraordinary circumstances occur such as prolonged illness or sabbatical leave.
9. All references to "school days" in the grievance procedures refer to days on which regular undergraduate scholastic year classes are scheduled (including the week of final examinations), according to the official academic calendar published in the *College Catalog*. This definition of "school days" applies to all faculty members regardless of the program in which they teach. In particular, undergraduate vacation days and the undergraduate summer vacation period do not count as school days even though faculty in some programs (e.g., graduate business, education, etc.) teach during these times.
10. A grievance will be considered beginning with Step I of the procedure and continuing in established order until a settlement has been reached or a decision has been accepted by all parties to the grievance or the last step has been fully implemented.
11. If a settlement has not been reached or a party to the grievance is dissatisfied with the decision made, the party may make an appeal which brings the case to the next step. A decision is final if it is not appealed within given time limits or if no further appeal can be taken under this procedure.
12. After commencement of a grievance procedure, additional grievances or alterations in the original grievance require that the procedure begin again.
13. Twelve faculty members are elected to the Grievance Committee. For those steps in these procedures that require the Grievance Committee, each party to the case can challenge two members within ten (10) school days of the actual notice of the composition of the Grievance Committee. Challenges are peremptory and without personal or professional prejudice. All five members of the Grievance committee must be present at deliberation meetings, and all five must vote. No abstentions are allowed.



See section 1.7.4.1 for a full description of how the Grievance Committee is constituted. In addition, in an academic year in which the number of concurrent grievances exceeds three, the chair of the Academic Senate has the discretionary power to enlarge the Committee from the alternates and runners-up from the previous two election years; the Committee is to be enlarged prior to the challenge stage.

14. A Grievance Committee member may serve on a maximum of two concurrent grievances.
15. At the conclusion of grievances involving the Rank and Tenure Committee, the chair of the Grievance Committee will meet with the chair of the Rank and Tenure Committee to discuss, without violating the confidentiality of the grievance process or the privacy of the individual(s) involved, the ways in which such a grievance might be avoided in the future.

### 2.16.3

#### GRIEVANCES ARISING FROM ALLEGED INADEQUATE CONSIDERATION AND/OR ALLEGED VIOLATIONS OF ACADEMIC FREEDOM BY THE RANK AND TENURE COMMITTEE, THE PROVOST, OR THE PRESIDENT IN TENURE AND PROMOTION RECOMMENDATIONS AND/OR DECISIONS

1. Grievances in which the Provost and/or the Rank and Tenure Committee arrived at a negative recommendation and where the President renders a negative decision are considered under section 2.16.3.1.
2. Grievances in which both the Provost and the Rank and Tenure Committee arrived at positive recommendations but in which the President renders a negative decision are considered under section 2.16.3.2.
3. Grievances in which a faculty member is not reappointed and where the non-reappointment does not involve the Rank and Tenure Committee are considered under section 2.16.4.

### 2.16.3.1

#### Grievances in cases of a negative rank and tenure decision by the Rank and Tenure Committee and/or the Provost and where the President renders a negative decision

See Figure 1 for a time line of this section.

1. If the President renders a negative decision in agreement with a negative decision by the Rank and Tenure Committee and/or the Provost, the faculty member may grieve the decision.
2. A written petition alleging inadequate consideration and/or a violation of academic freedom shall be sent to the President within twenty (20) school days of the postmarked date of the President's notification. Within five (5) school days the President will forward the petition to the Provost and to the chairperson of the Academic Senate who will refer it to the Grievance Committee. See section 2.16.2(4) for the requirements of written notification.
3. See section 2.16.2 for procedures that apply to all grievances.

Maximum time line since grievance occurred: 25 school days

Step I      Informal Discussion

There is no informal step in this procedure. Informal consultation with the Provost takes place before the recommendations of the Rank and Tenure Committee and the Provost are forwarded to the President for his consideration. The filing of a grievance in cases of inadequate consideration and/or a violation of academic freedom in promotion and/or tenure decisions is immediately referred to the Grievance Committee.

## Step II Grievance Committee Procedure

1. The chairperson of the Academic Senate will ensure that the Grievance Committee is constituted within ten (10) school days from the receipt of the request. The decision of the Grievance committee must be rendered within thirty (30) school days from the constitution of the committee.

If the complaint is received fewer than thirty (30) school days before the end of the academic year, the chairperson of the Academic Senate shall assign it to the Grievance Committee within twenty (20) school days after the commencement of the next academic year. The chairperson of the Academic Senate will insure that the committee is operative within ten (10) school days from assignment to the committee.

2. The Grievance Committee will determine whether the recommendation of the Rank and Tenure Committee and/or the Provost may have been the result of inadequate consideration of the case in terms of the rank and tenure standards of the College and/or a violation of academic freedom. The Grievance Committee should not judge the merits of the case. Rather, the Committee should decide whether on its face, a case for reconsideration by the Rank and Tenure Committee or the Provost has been made by the grievant.
3. The members of the Grievance Committee who are considering the case will have access to the confidential material which is available to members of the Rank and Tenure Committee and the Provost for the case being grieved. They shall also have access to those portions of the minutes of the meeting(s) in which the grievant's case was discussed. At the sole discretion of the Grievance Committee, should the members find some information ambiguous or contradictory, the Committee may write to the individual(s) and solicit written responses(s) from the individual(s) who has information concerning the case for the purpose of clarification of ambiguous or contradictory information. The Grievance Committee is bound by the same confidentiality that binds the Rank and Tenure Committee.
4. The Grievance Committee shall consider only whether the information available to the Rank and Tenure Committee was adequate to support its decision and whether it was viewed only in the light of relevant standards.
5. The Grievance Committee will provide a written decision within thirty (30) school days from the constitution of the Committee. Copies will be provided to the faculty member, the Rank and Tenure Committee, the Provost, and the President of the College. If the Grievance Committee believes that the faculty member has no valid grievance, this shall be the final step in the faculty member's grievance.
6. If the Grievance Committee believes that the faculty member has a plausible case for reconsideration, it will direct the Rank and Tenure Committee (sitting at the time of the direction) and/or the Provost to reconsider. The Grievance Committee will indicate in what respects it believes the consideration may not have been adequate. If the Grievance Committee finds that information in a specific area was unavailable, insufficient, or inaccurate, it will direct that such information be supplied or corrected through the

Office of Academic Affairs and be submitted to the Rank and Tenure Committee for its reconsideration of the case.

7. The records of the Grievance Committee will be kept in a confidential file in the Office of the President. These records will be kept separate from any personnel files.

Maximum time line since grievance occurred: 65 school days

8. If so directed, the Rank and Tenure Committee, and/or the Provost, will reconsider the case in light of the Grievance Committee's written decision and provide the President with their recommendations within thirty (30) school days of the directive. If the directive is submitted when there is no active Rank and Tenure Committee, the appeal will be held over until there is a new Rank and Tenure Committee. This new Rank and Tenure Committee, and/or the Provost, will consider the case and provide the President with their recommendations within thirty (30) school days after the committee is constituted.

Maximum time line since grievance occurred: 95 school days

1. The President will have ten (10) school days after receipt of the Rank and Tenure Committee's and/or the Provost's recommendations to render a final decision on the case. He will state his reasons in writing to the faculty member.

Maximum time line since grievance occurred: 105 school days

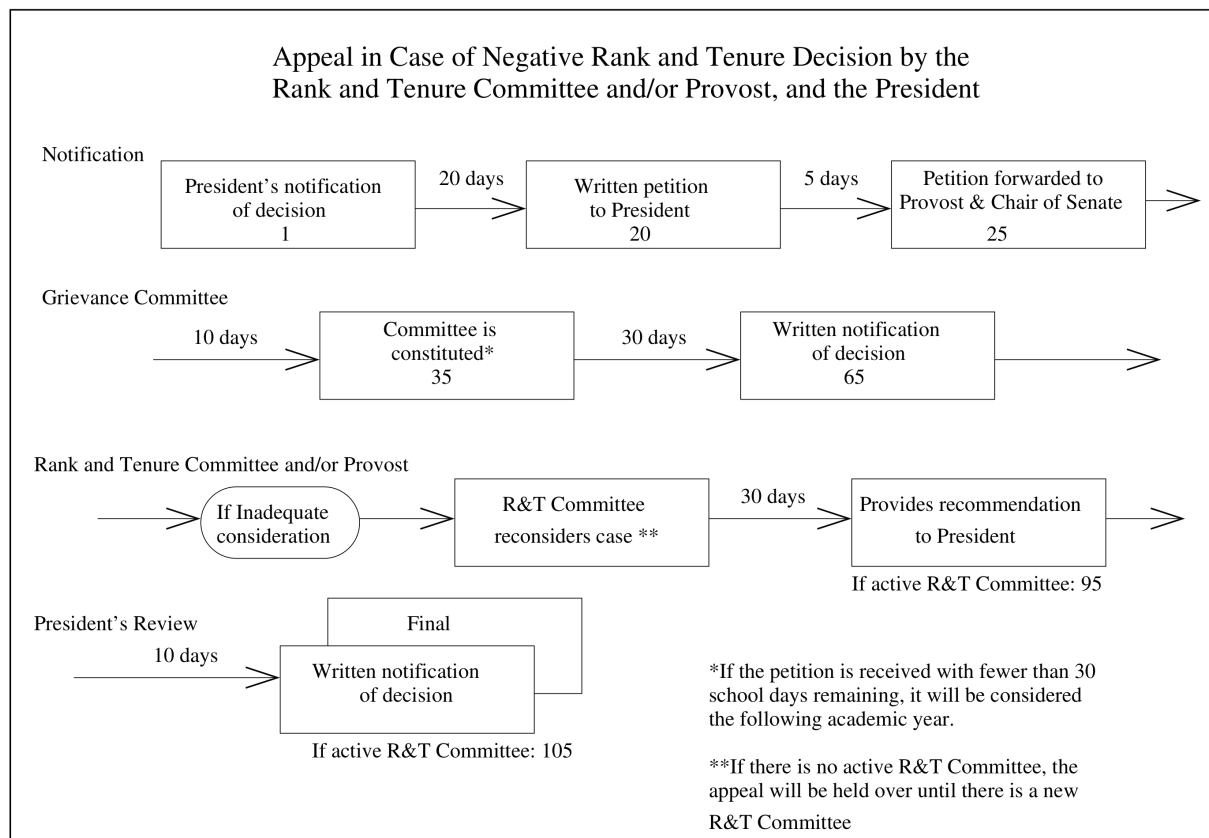


FIGURE 1. Section 2.16.3.1

### 2.16.3.2

#### Grievance in Case of a Negative Rank and Tenure Decision by the President in Opposition to a Positive Recommendation by the Rank and Tenure Committee and the Provost

See Figure 2 for a time line of this section.

1. If the President renders a negative decision in opposition to positive recommendations by both the Rank and Tenure Committee and the Provost, the faculty member may appeal the decision.
2. A written notification alleging inadequate consideration and/or a violation of academic freedom shall be sent to the President within twenty (20) school days of the postmarked date of the President's notification.

The written notification, at this stage, can be very brief, indicating the nature of the alleged grievance and the parties involved. See section 2.16.2(4) for the requirements of written notification.

3. See section 2.16.2 for procedures that apply to all grievances.

Maximum time line since grievance occurred: 20 school days

#### Step I Informal Discussion

1. Following the receipt of the written notification, the President shall call for a meeting between the parties to the grievance to take place not later than ten (10) school days after the written notification is received.
2. Successful resolution of the grievance through informal dialogue is encouraged. The formal grievance procedure is time consuming, costly, and often divisive and should only be used if informal channels of resolution have been exhausted.
3. In order to promote candor and informality and to maximize the opportunity for reaching a resolution, both parties to the discussion are encouraged to agree, at the outset, to sign a confidentiality agreement such as the following:

"Information that is shared during the informal discussion cannot be used by either party should the process proceed to the next stage."

If either party does not sign such an agreement, the discussions will be presumed to be open, that is, can be utilized by either party should the process proceed to the next stage. Both parties can, of course, at the conclusion of the informal discussion agree in writing to restrict the use in later stages of all or any parts of their discussions.

4. Informal discussions may continue until the appeal is settled or until the passage of ten (10) school days from the date of the first informal discussion, whichever occurs first, unless otherwise provided by all parties in writing. See section 2.16.2.6.

Maximum time line since grievance occurred: 40 school days

#### Step II Grievance Committee

If no resolution occurs at Step I, the faculty member may request a consideration by the Grievance Committee. The faculty member must give the chairperson of the Academic Senate, for delivery to the Grievance Committee and the President, a written complaint explaining specifically why the President's decision is believed to be erroneous. The complaint and request for consideration by the Grievance Committee must be received by the chairperson of the Academic Senate within fifteen (15) school days after the completion of the informal discussion. See section 2.16.2(4) for the requirements of written notification.

Maximum time line since grievance occurred: 55 school days

### Step III Grievance Committee Procedure

1. The chairperson of the Academic Senate will insure that the Grievance Committee is constituted within ten (10) school days from the receipt of the request. The decision of the Grievance Committee must be rendered within thirty (30) school days from the constitution of the Committee.

If the complaint is received fewer than thirty (30) school days before the end of the academic year, the chairperson of the Academic Senate shall assign it to the Grievance Committee within twenty (20) school days after the commencement of the next academic year. The chairperson of the Academic Senate will insure that the Committee is operative within ten (10) school days from assignment to the committee.

2. The Grievance Committee shall then review the written complaint, recommendations of the Rank and Tenure Committee and the Provost and the statement of reasons by the President, and any other pertinent material that the Committee gathers. If the Grievance Committee decides by majority vote the consideration by the President was prima facie inadequate or a prima facie violation of academic freedom, it will ask the President to reconsider.

Maximum time line since grievance occurred: 95 school days

3. The President has ten (10) school days to reconsider his decision and inform the faculty member in writing of his final decision and supporting reasons. During this period the President may confer with either the grievant and/or the Grievance Committee. In cases involving inadequate consideration, the decision of the President is final. In cases involving academic freedom only, the grievant may appeal the decision.

Maximum time line since grievance occurred: 105

### Step IV Appeal to the Board of Trustees

1. In cases involving academic freedom only, a party dissatisfied with the decision rendered by the President may appeal to the Board of Trustees or to a committee thereof. The party must submit a written complaint to the chairperson of the Board of Trustees specifying why the decision of the President is believed to be erroneous and the redress sought. The chairperson of the Board of Trustees will forward a copy of the written complaint to the President. The complaint must be received within fifteen (15) school days of the decision by the President. See section 2.16.2(4) for the requirements of written notification.

2. The Board of Trustees or a committee created at the discretion of the chairperson of the Board will have forty-five (45) school days for deliberation and to render a final decision on the case. A copy of the decision shall be distributed to both parties.

Maximum time line since grievance occurred: 165 school days.

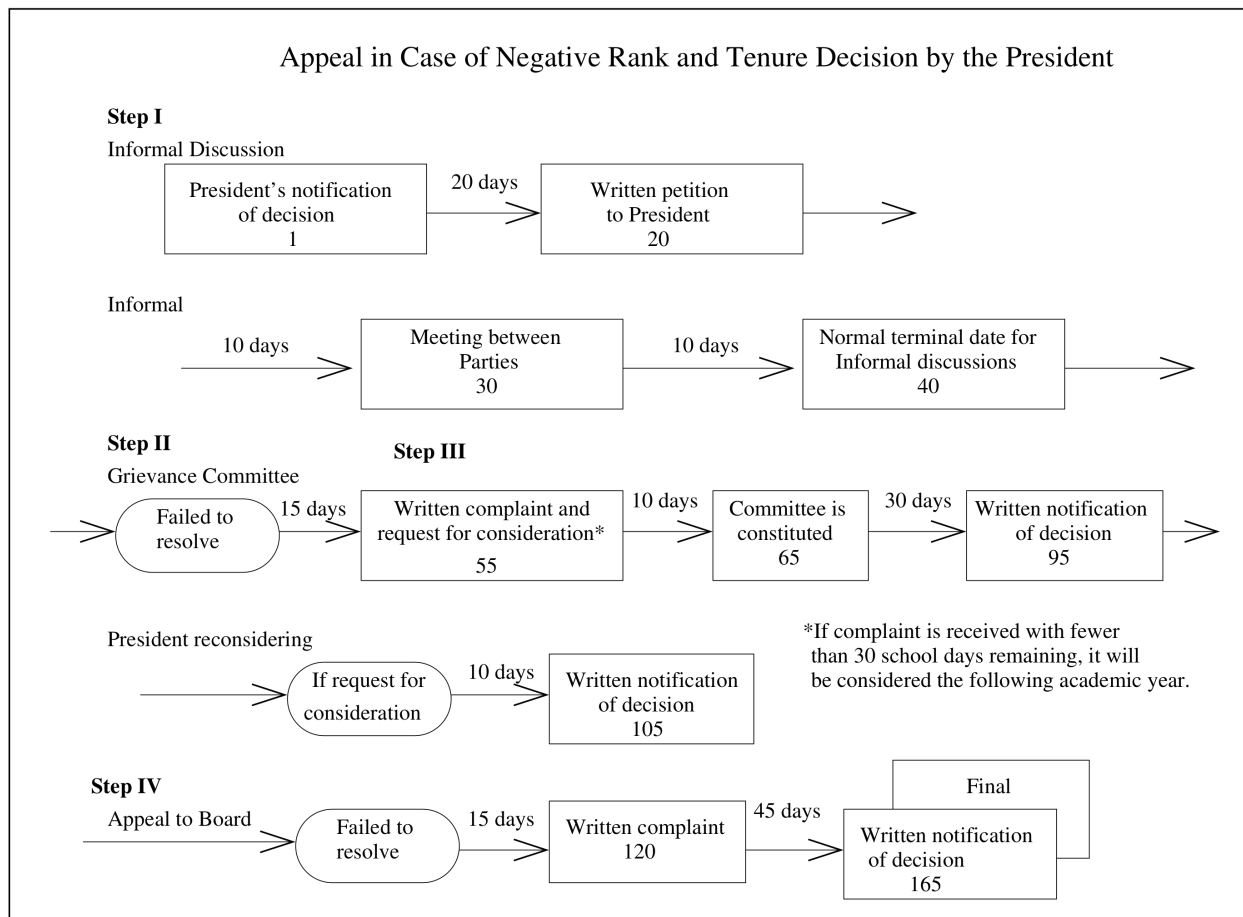


FIGURE 2. Section 2.16.3.2

2.16.4

GRIEVANCES THAT ALLEGE ERRORS IN POLICY NOT INVOLVING THE RANK AND TENURE REVIEW PROCESS, ERRORS IN CARRYING OUT POLICIES OR PROCEDURES NOT INVOLVING THE RANK AND TENURE REVIEW PROCESS, VIOLATIONS OF ACADEMIC FREEDOM NOT INVOLVING THE RANK AND TENURE REVIEW PROCESS, OR INADEQUATE CONSIDERATION AND/OR VIOLATION OF ACADEMIC FREEDOM IN REAPPOINTMENT RECOMMENDATIONS AND/OR DECISIONS NOT INVOLVING THE RANK AND TENURE REVIEW PROCESS.

1. Grievances to which the President is not a party are considered under section 2.16.4.1.
2. Grievances to which the President is a party are considered under section 2.16.4.2.

2.16.4.1

Grievances To Which the President Is Not a Party That Allege Errors in Policy Not Involving the Rank and Tenure Review Process, Errors in Carrying Out Policies or Procedures Not Involving the Rank and Tenure Review Process, Violations of Academic

Freedom Not Involving the Rank and Tenure Review Process, or Inadequate Consideration and/or Violations of Academic Freedom in Reappointment Recommendations and/or Decisions Not Involving the Rank and Tenure Review Process.

See Figure 3 for a time line of this section.

1. If the faculty member desires to file a grievance under section 2.16.4.1, he/she shall within twenty (20) school days of the alleged error or violation assure that a written petition is received by the Provost stating the grounds upon which the faculty member bases his/her grievance and the redress sought. If the grievance is against the Provost, the grievant will assure that within twenty (20) school days of the alleged error or violation the written petition is received by the President.

The written notification, at this stage, can be very brief, indicating the nature of the alleged grievance and the parties involved. See section 2.16.2(4) for the requirements of written notification.

2. See section 2.16.2 for procedures that apply to all grievances.

Step I      Informal Discussion

1. Following the receipt of the written notification, the Provost or the President shall call for a meeting with the parties to the grievance to take place not later than ten (10) school days after the written notification is received.
2. Resolution of the grievance through informal dialogue is encouraged. The formal grievance procedure is time consuming, costly, and often divisive and should only be used if informal channels of resolution have been exhausted.
3. In order to promote candor and informality and to maximize the opportunity for reaching a resolution, both parties to the discussion are encouraged to agree, at the outset, to sign a confidentiality agreement such as the following:

"Information that is shared during the informal discussion cannot be used by the process proceed to the next stage."

If either party does not sign such an agreement, the discussions will be presumed to be open, that is, can be utilized by either party should the process proceed to the next stage. Both parties can, of course, at the conclusion of the informal discussion agree in writing to restrict the use in later stages of all or any parts of their discussions.

4. Informal discussions may continue until the grievance is settled or until the passage of ten (10) school days from the date of the first informal discussion, whichever occurs first unless otherwise provided by all parties in writing. See section 2.16.2(6).

Maximum time line since grievance occurred: 40 school days

Step II      Written Complaint of Grievance

1. Within fifteen (15) school days from the terminal date of the informal discussion, the grievance and redress sought must be submitted as a formal complaint in writing to the Provost together with a copy to the other party to the grievance, who will then have ten

(10) school days from the receipt of the copy to answer the complaint in writing to the Provost. If the Provost is a party to the grievance, the written complaint must be submitted to the President. See section 2.16.2(4) for the requirements of written notification.

The Provost, or in cases where the Provost is a party to the grievance, the President, shall then consider the written complaint and the answer to the complaint, together with any oral or written statements and other pertinent data he/she may seek or require, and make his/her decision in writing with a copy to each party to the grievance, not later than thirty-five (35) school days from the terminal date of the informal discussions. See section 2.16.2(4) for the requirements of written notification.

Maximum time line since grievance occurred: 75 school days

### Step III      Grievance Committee

1. A party to the grievance who is dissatisfied with the decision of the Provost or President and who desires the chairperson of the Academic Senate to convene the Grievance Committee, must give the chairperson, for delivery to the Grievance Committee, a written complaint explaining specifically why the decision is believed to be erroneous, and request consideration by the Grievance Committee. The complaint and request must be received by the chairperson of the Academic Senate within fifteen (15) school days after the decision by the Provost or President. The chairperson of the Academic Senate will insure that the committee be constituted within ten (10) school days from receipt of the request. See section 2.16.2(4) for the requirements of written notification.
  - i. If the complaint is received fewer than thirty (30) school days before the end of the academic year, the chairperson of the Academic Senate shall assign it to the Grievance Committee within twenty (20) school days after the commencement of the next academic year. The chairperson of the Academic Senate will insure that the committee is operative within ten (10) school days from assignment to the committee.
2. The Grievance Committee:
  - a. Shall ascertain that Steps I and II were unsuccessful in bringing about a settlement;
  - b. May at any time during the process:
    - i. Confer with any members of the College community appropriate to the case. Any person serving as a conferee serves without prejudice or fear of reprisal.
    - ii. Decline to review the case for jurisdictional reasons or because the grievance has become moot and shall submit a written report of the reason for refusal.
    - iii. Engage in additional fact-finding, suggest policy changes, and decide what redress, if any, is due to the grievant.
  - c. Shall render a decision in the case by means of a majority vote.
  - d. Shall preserve the confidentiality of the proceedings. Meetings are not public.



- e. Shall deliver to the Office of the President the records of the Grievance Committee and all related documentation. These records will be kept in a confidential file in the Office of the President, separate from any personnel files.
3. The Grievance Committee must notify the parties of its decision within thirty (30) school days from the constitution of the Committee.

Maximum time line since grievance occurred: 130 school days

#### Step IV Appeal to President

1. A party dissatisfied with the decision rendered by the Grievance Committee may appeal to the President of the College. The party must submit a written complaint, specifying why the decision by the Grievance Committee is believed to be erroneous and the redress is being sought. The complaint must be received within fifteen (15) school days of the decision by the Grievance Committee. See section 2.16.2(4) for the requirements of written notification.
2. The President will have ten (10) school days to render a final decision on the case. A copy of the decision shall be distributed to both parties. The President's decision shall be final.

Maximum time line since grievance occurred: 155 school days.

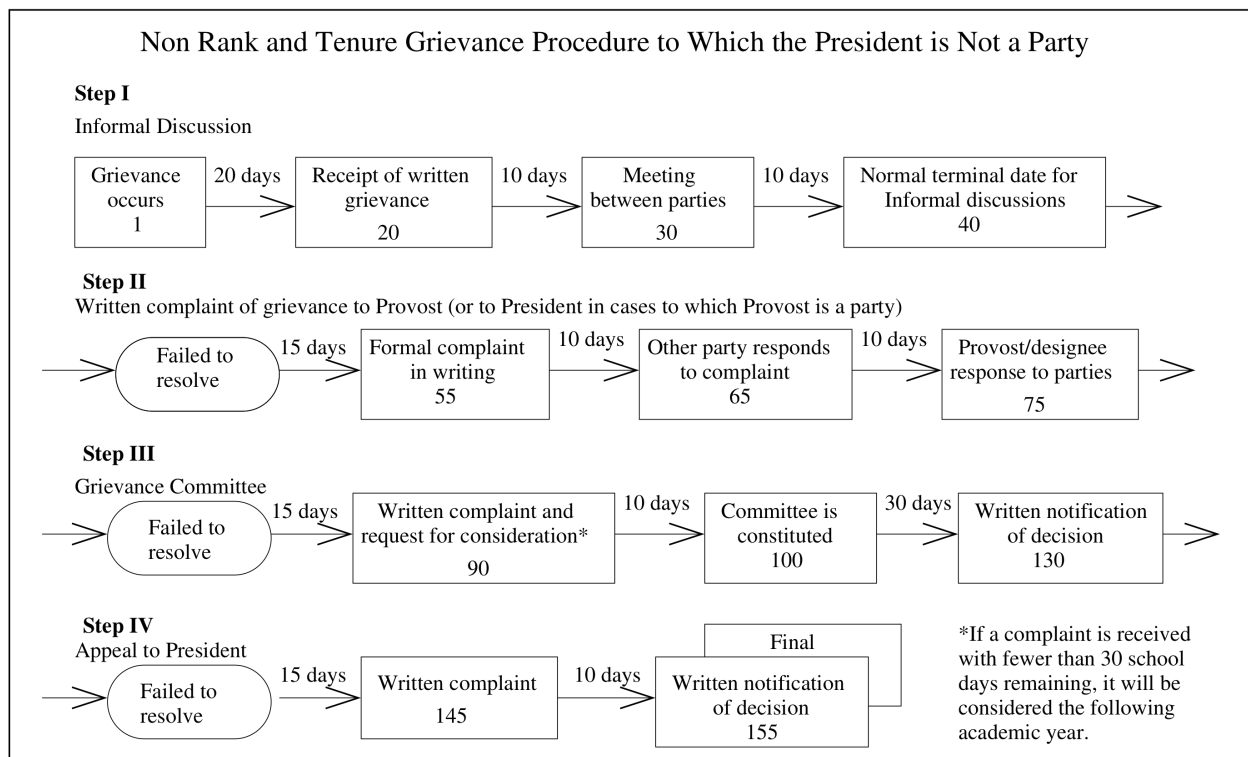


FIGURE 3. Section 2.16.4.1

2.16.4.2

Grievances To Which the President Is a Party That Allege Errors in Policy Not Involving the Rank and Tenure Review Process, Errors in Carrying Out Policies or Procedures Not Involving the Rank and Tenure Review Process, Violations of Academic Freedom Not Involving the Rank and Tenure Review Process, or Inadequate Consideration and/or Violation of Academic Freedom in Reappointment Recommendations and/or Decisions Not Involving the Rank and Tenure Review Process.

See Figure 4 for a time line of this section.

1. If the faculty member desires to file a grievance under section 2.16.4.2, he/she shall within twenty (20) school days of the alleged error submit a written petition to the President stating the grounds upon which the faculty member bases his/her grievance and the redress sought.

The written notification, at this stage, can be very brief, indicating the nature of the alleged grievance and the parties involved. See section 2.16.2(4) for the requirements of written notification.

2. See section 2.16.2 for procedures that apply to all grievances.

Step I Informal Discussion

1. Following receipt of the written notification, the President shall call for a meeting between the parties to the grievance to take place not later than ten (10) school days after the written notification is received.
2. Resolution of the grievance through informal dialogue is encouraged. The formal grievance procedure is time consuming, costly, and often divisive and should only be used if informal channels of resolution have been exhausted.
3. In order to promote candor and informality and to maximize the opportunity for reaching a resolution, both parties to the discussion are encouraged to agree, at the outset, to sign a confidentiality agreement such as the following:

"Information that is shared during the informal discussion cannot be used by either party should the process proceed to the next stage."

If either party does not sign such an agreement, the discussions will be presumed to be open, that is, can be utilized by either party should the process proceed to the next stage. Both parties can, of course, at the conclusion of the informal discussion agree in writing to restrict the use in later stages of all or any parts of their discussions.

4. Informal discussions may continue until the grievance is settled or until the passage of ten (10) school days from the date of the first informal discussion, whichever occurs first unless otherwise provided by all parties in writing. See section 2.16.2(6).

Maximum time line since grievance occurred: 40 school days

Step II Appeal to the Board of Trustees

1. If no resolution occurs at Step I, the Faculty member may appeal to the Board of Trustees or to a committee thereof created at the discretion of the chairperson of the

Board. The party must submit to the chairperson of the Board of Trustees a written complaint and the redress sought. The chairperson of the Board of Trustees will forward a copy of the written complaint and the redress sought to the President. The complaint and the redress sought must be received within fifteen (15) school days of the end of Step I. See section 2.16.2(4) for the requirements of written notification.

2. The Board of Trustees or a committee thereof created at the discretion of the chairperson of the Board will have thirty (30) school days for deliberation and to render a final decision on the case. A copy of the decision shall be distributed to both parties.

Maximum time line since grievance occurred: 85 school days.

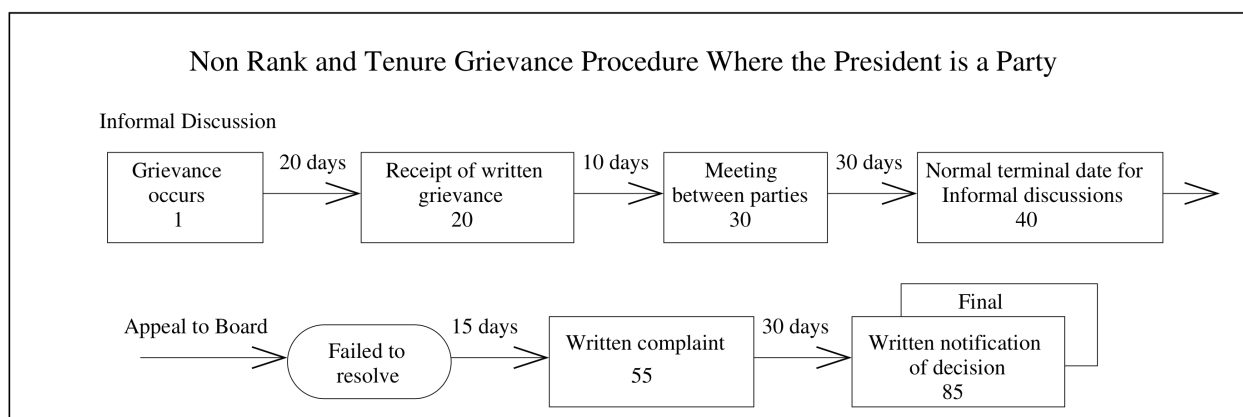


FIGURE 4. Section 2.16.4.2

#### 2.16.5.1 Grievance In Case of Alleged Harassment (Other than Sexual) or Discrimination on the Basis of Race, Color, Ancestry, Religion, National Origin, Gender, Age (40 Years or Older), Marital Status, Sexual Orientation, Medical Condition or Physical or Mental Disability<sup>3</sup>

See Figure 5 for a time line of this section.

1. A written petition alleging harassment (other than sexual) or discrimination on the basis of race, color, ancestry, religion, national origin, gender, age, marital status, sexual orientation, medical condition or physical or mental disability shall be sent to the chairperson of the Equal Employment Opportunity Compliance Committee within twenty (20) school days of the alleged event. See section 1.7.2.2 for a complete description of the Equal Employment Opportunity Compliance Committee.

The written notification, at this stage, can be very brief, indicating the nature of the alleged grievance and the parties involved. See section 2.16.2(4) for the requirements of written notification.

2. See section 2.16.2 for procedures that apply to all grievances.

Maximum time line since grievance occurred: 20 school days

<sup>3</sup> When an employee or student has a complaint alleging conduct that may constitute sexual harassment involving an employee, that complaint should be referred directly and promptly to the Director of Human Resources, who serves as the chair of the Equal Employment Opportunity Compliance Committee.

Step I      Informal Process

1. Following receipt of the written grievance the chairperson of the Equal Employment Opportunity Compliance Committee shall call for a meeting between the chairperson and the grievant to take place not later than ten (10) school days after the written notice is received.
2. Resolution of the grievance through informal dialogue and mediation is encouraged. The formal grievance procedure is time consuming, costly, and often divisive and should only be used if informal channels of resolution have been exhausted.
3. At the initial meeting with the grievant, the chairperson of the Equal Employment Opportunity Compliance Committee will determine if preliminary means of resolution have been attempted. If appropriate, the chairperson will attempt further preliminary means of resolution.
4. No further action on the complaint will be taken unless such preliminary means of resolution have been attempted.
5. If the matter is settled at this point, a written memorandum of the complaint and resolution of the parties involved will be prepared by the chairperson of the Equal Employment Opportunity Compliance Committee. Copies of the memorandum will be sent to the parties involved. The original will be retained in a separate file in the Human Resources office.
6. The informal process may continue until the grievance is settled or until the passage of ten (10) school days from the date of the first informal discussion with the chairperson of the Equal Employment Opportunity Compliance Committee, whichever occurs first unless otherwise provided by all parties in writing. See section 2.16.2.6.

Maximum time line since grievance occurred: 40 school days

Step II      Written Complaint of Grievance

If no resolution occurs at Step I, the grievant may within fifteen (15) school days of the terminal date of the informal discussion appeal to the Equal Employment Opportunity Compliance Committee by submitting a written complaint which specifies the alleged offense and the individual(s) against whom the complaint is lodged. The complaint is submitted to the chairperson of the Equal Employment Opportunity Compliance Committee. See section 2.16.2(4) for the requirements of written notification.

Maximum time line since grievance occurred: 55 school days

Step III      Equal Employment Opportunity Compliance Committee Procedure

1. The chairperson of the Equal Employment Opportunity Compliance Committee will insure that the Equal Employment Opportunity Compliance Committee is operational within ten (10) school days from the receipt of the written complaint. Further, the decision of the committee must be rendered within thirty (30) school days from the constitution of the committee.

If the complaint is received fewer than thirty (30) school days before the end of the academic year, the chairperson of the Equal Employment Opportunity Compliance Committee shall assign it to the Equal Employment Opportunity Compliance Committee within twenty (20) school days after the commencement of the next academic year.

Maximum time line since grievance occurred: 65 school days

2. The Equal Employment Opportunity Compliance Committee:

- a. Shall ascertain that Step I was unsuccessful in bringing about a settlement.
- b. Must undertake a thorough and prompt investigation of the grievance by conducting interviews, reviewing written materials provided by or requested from the parties or other persons having personal knowledge regarding the allegations of the complaint, by meeting witnesses, or, at its discretion, by other means of investigation that help to inform the Committee. It is not required that the Committee conduct a hearing. However, if the Committee decides to conduct a hearing, then the parties involved shall be consulted regarding a suitable time and place for any hearing. The complainant(s) and the person(s) accused shall have the right to be heard. The Committee shall have the right to request witnesses to appear and to hear their testimony. Lawyers are not permitted to appear at or participate in the hearing.
- c. Shall render a decision in the case by means of a majority vote even if the individual(s) against whom the complaint is made refuses to appear or present a defense. The decision may include:
  - i. dismissal of the grievance;
  - ii. a declaration which states the rights of each party;
  - iii. a call upon appropriate authority to impose sanctions;
  - iv. other appropriate action based on the circumstances presented.
- d. Shall preserve the confidentiality of the proceedings. Meetings are not public.
- e. The record of the Committee hearings and all related documentation will be kept in a confidential file in the Human Resources office. These records will be kept separate from any personnel files.
- f. The chairperson of the Equal Employment Opportunity Compliance Committee must notify the grievant, the individual(s) against whom the complaint was brought, and the President of the College of the Committee's resolution within thirty (30) school days from the first operation of the Committee. See section 2.16.2(4) for the requirements of written notification.

Maximum time line since grievance occurred: 95 school days

- g. In the case of recommended sanctions, a copy of the Committee's decision will be delivered to the person or authority who is to impose the sanctions and a copy will be placed in the personnel files in the Human Resources office of the individual(s) against whom the complaint was lodged. The person or authority who is to impose the sanctions shall within thirty (30) school days of receiving the recommendation

make a written report to the chairperson of the Equal Employment Opportunity Compliance Committee.

**Step IV Appeal to the President**

1. A grievant or the individual(s) against whom the complaint was lodged is dissatisfied with the decision rendered by the Equal Employment Opportunity Compliance Committee may appeal to the President of the College. The party must submit a written complaint, specifying why the decision by the Equal Employment Opportunity Compliance Committee is believed to be erroneous and the redress sought. The complaint must be received within fifteen (15) school days of the decision by the Equal Employment Opportunity Compliance Committee. See section 2.16.2(4) for the requirements of written notification.
2. The President will have twenty (20) school days to render a final decision on the case. A copy of the decision shall be distributed to both parties and to the chairperson of the Equal Employment Opportunity Compliance Committee. The President's decision shall be final.

Maximum time line since grievance occurred, in event of sanctions: 125 school days.

Maximum time line since grievance occurred, in event of Appeal to President: 130 school days.

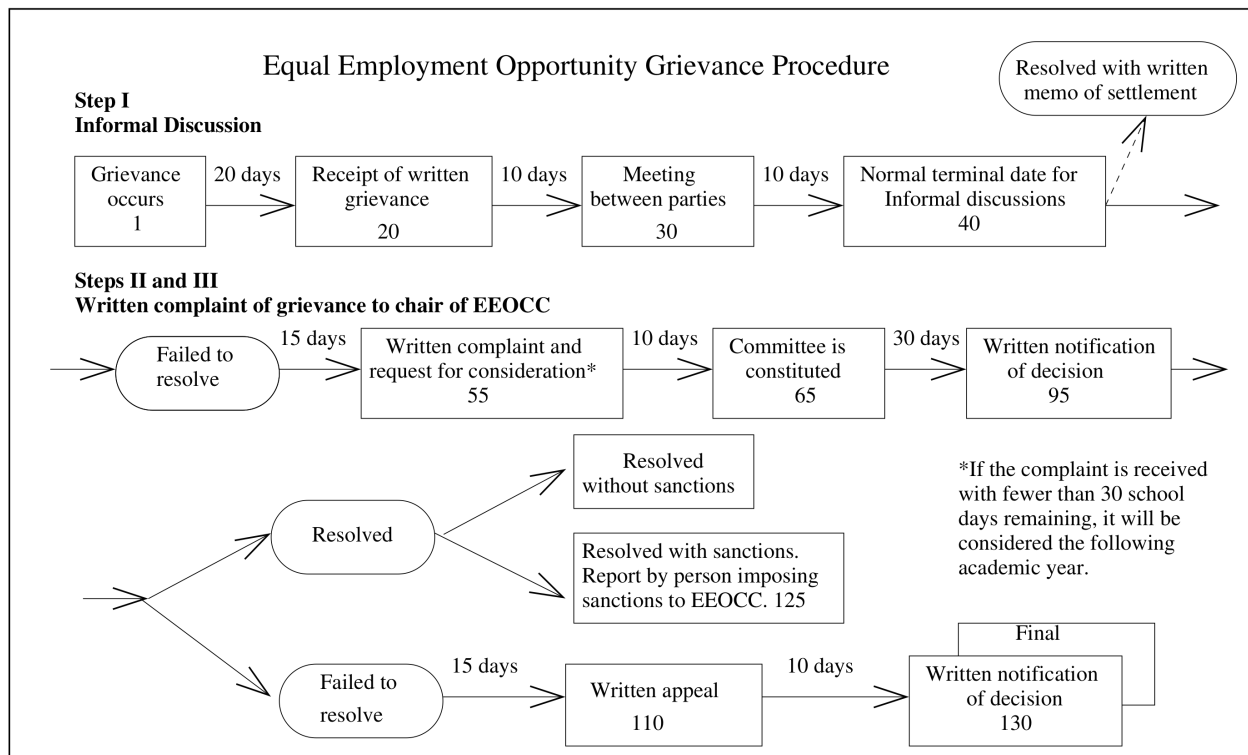


FIGURE 5. Section 2.16.5.1